

**TEXT PROBLEM  
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*Second of Series.*

THE LEAGUE  
FROM  
YEAR TO YEAR

(October 1st, 1927 — September 5th, 1928)

INFORMATION SECTION  
LEAGUE OF NATIONS  
GENEVA

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## **NOTE**

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This pamphlet is the second of a new series published by the Information Section of the Secretariat of the League of Nations, describing the work of the League during the period between two Assemblies.

The first pamphlet of this series covered the period from October 1st, 1926, to September 30th, 1927. A summary of the League's work from 1920 to 1926 is contained in the pamphlet : "The League of Nations—A Survey."

*January 1929.*

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# THE LEAGUE FROM YEAR TO YEAR

(October 1st, 1927 — September 30th, 1928)

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## INTRODUCTION

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The principal features of the League's work between the eighth and ninth ordinary sessions of the Assembly were the improvement of its relations with certain States; progress in the study of arbitration and security in relation to the preliminaries for a first Disarmament Conference; and the execution of the programme of economic reconstruction outlined by the Economic Conference of May 1927.

A notable fact was the reply of the Spanish Government to the Council's invitation in the spring of 1928, agreeing to remain a Member of the League and to resume "unconditionally and without reservation", full co-operation in the League's work, and its acceptance of the compulsory jurisdiction of the Permanent Court of International Justice. The Assembly elected Spain to non-permanent membership of the Council with the right to re-election. The Council also addressed an invitation to Costa Rica, who had withdrawn

from the League in 1927, to resume membership and, on receiving the Council's reply to its question concerning the Monroe Doctrine, Costa Rica announced its decision to refer to its Constitutional Congress the question of resumption of League membership, requesting that body to vote the funds for its contribution.

In the great body of work accomplished by the various League organs (in June alone there were no fewer than fourteen meetings of conferences and committees, in Geneva and elsewhere, excluding those of the Council and the Permanent Court), certain elements may be considered as being of special and immediate importance in international life.

•

*Development of International Co-operation.*

The most important results of a concrete and practical kind were obtained in the technical field, above all in economics and finance. Following in the steps of the Brussels Financial Conference of 1920, the World Economic Conference of 1927 laid down the principles of sound commercial policy and up-to-date industrial and agricultural organisation, leaving the League with a programme which it will take some years to execute.

1927-1928 was the first year of work on this programme, which aims at securing, by appropriate conventions and agreements, the untrammelled circulation of goods, capital and persons. The most important results were the conclusion by most European States, the United States, Egypt and Turkey of a Convention for the Abolition of Import and Export Prohibitions and Restrictions—the first multi-lateral agreement regulating economic relations between States—and, by the countries concerned, of agreements on hides and bones, the first international arrangement concerning duties applicable to a specific product; the work on the

unification of Customs nomenclature, failing which the equitable application of Customs duties and, indeed, real freedom of trade must remain a dead letter; the preparation of a draft international convention on the treatment of foreign nationals and enterprises and of several draft conventions aiming at the assimilation of laws on bills of exchange and cheques; as regards treaty-making methods and the most-favoured-nation clause, the composition of a doctrine which may later serve as a guide for Governments when negotiating commercial treaties.

In the financial field, the League launched a new scheme of national reconstruction in favour of Bulgaria, while continuing to follow the progress of a similar scheme applied last year in Greece. The Greek currency has been stable since May 14th, 1928, and the new bank of issue has begun operations. In Estonia also, the currency has been stabilised since January 1928.

Despite adverse conditions, such as the recent earthquake, the settlement of refugees in Greece and Bulgaria has been successfully pursued. The importance of this work was emphasised by the Assembly in 1928, not only from a humanitarian, but also from a political point of view. In Bulgaria, 90 per cent of the refugees will shortly be provided with land. In Greece, where the work of agricultural settlement may be regarded as virtually terminated, a second loan will soon enable the Refugee Settlement Commission to carry on its urban settlement work.

It is also necessary to mention the work of co-ordination, simplification and unification accomplished by the other League technical organisations. These studies concerned the unification of road signals and the rules of the road; a draft convention on certain aspects of river law; the extension of the epidemiological intelligence service and of the work of the Singapore Bureau; the laying-down of certain principles and methods of anti-malarial work; the question

of post-vaccinal encephalitis; an agreement for the standardisation of sera and biological bal products; the development of inter-university, literary and scientific relations; work on intellectual rights and the co-ordination of libraries; the fresh stimulus given to the instruction of young people in the work and aims of the League; the coming-into-force of the 1925 Opium Convention and the establishment of a standard method for the administrative control of drugs; and progress in the settlement of Russian and Armenian refugees and in the definition of their legal status.

### *Maintenancce of Peace.*

Another important feature of the year's work was the exploration of the guarantees afforded by arbitration and security as a background for an international convention on the reduction and limitation of armaments. In this connection, the work of the Arbitration and Security Committee was one of the most considerable efforts yet made for the organisation of peace. The first result of this work was to emphasise the measure of security created by the Covenant and the fact that the Members of the League were, under its terms, equipped with such extensive powers that their common will for peace could be effectively exercised within its framework, all the more effectively because it does not provide a rigid code of procedure.

For States which did not regard these guarantees as sufficient, it was suggested that further protection might be obtained by signing arbitration and conciliation conventions, by recognising the compulsory jurisdiction of the Court, by concluding collective or bilateral treaties of security modelled on those of Locarno, or by adopting a model treaty for strengthening the means of preventing war.

The extremely elastic system proposed would enable States to make their choice of a method and to adapt their obligations to their requirements or preferences. The procedure laid down in the arbitration conventions would operate in such a way that no obstruction by the parties could prevent it from taking its course. Moreover, although States remain free to sign, or not to sign, these agreements, a procedure has been organised which provides for action of the Council with a view to the successful issue of negotiations between States desiring to conclude such conventions or treaties—if one of the parties so requests—after examining the political situation and taking account of the general interests of peace.

According to the opinion expressed by the Assembly in September 1928, the work thus accomplished appears calculated to facilitate the conclusion of a first general convention on the reduction and limitation of armaments.

The Preparatory Commission for the Disarmament Conference held two sessions during the year and examined, among other things, a draft convention for immediate and complete disarmament submitted by the delegation of the Union of Socialist Soviet Republics, which took part for the first time in its work. The Commission was unable to finish its work owing to differences of opinion between some Governments on certain points of the draft convention prepared in April 1927. The Assembly expressed the earnest hope that Governments would reach agreement without delay, so as to enable the Preparatory Commission to finish its work and decided that in any case the next meeting of the Commission should take place at the beginning of 1929.

The Permanent Court of International Justice was almost constantly in session during the period under review. It gave three advisory opinions and five judgments in cases of varying importance, all concerning conflicts between States.

Three States, Germany, Spain and Hungary (the last-named subject to ratification) recognised the compulsory jurisdiction of the Court. The Optional Clause is now in force for sixteen States.

The interest taken by all League Members in the Court's development, the desire to extend its jurisdiction whenever possible and to perfect its procedure gave rise to several important resolutions in September. One of these resolutions is designed to facilitate the acceptance by States of the compulsory jurisdiction of the Court, the other raises the question whether the Assembly or the Council can ask the advisory opinion of the Court by a simple majority vote.

The advisory opinion is a new departure in international law. Since the existence of the Court, the Council has made wide use of the possibility afforded by the Covenant of asking its advice on any point of law that may arise, for example, during the examination of a political question. The opinion of the Court has often facilitated the Council's task and contributed to a settlement. Hitherto, this reference has almost always been made by a unanimous decision of the Council, and in various quarters it has been asked whether such a decision could not be taken by a simple majority.

The Council, whose fiftieth session was held in June 1928, had to deal with a great variety of affairs, two of which may be mentioned as being of special importance and illustrative of its methods. One of these, the Hungarian optants affair, was first dealt with in 1923 and raised for the second time in March 1927, since when it has figured on the agenda of each session. The other, the question of Polish-Lithuanian relations, was submitted to the Council in a new form in December 1927, as a result of several applications from the Lithuanian Government. A feature common to both questions was the reference to the Council by one of the parties

concerned in virtue of Article 11, paragraph 2, of the Covenant, according to which it is "the friendly right of each Member of the League to bring to the attention of the Assembly or the Council any circumstances whatever affecting international relations which threaten to disturb international peace or the good understanding between nations upon which peace depends".

Under Article 11, as under most of the Articles of the Covenant, the decision of the Council must be unanimous and include the votes of the parties to the dispute—that is to say, the proposals of the Council must be agreed to by the parties and no decision can be arrived at without their consent. This circumstance was the determining factor in the procedure followed by the Council, which included public statements by the parties, examination of the question by a rapporteur in consultation with the other Members of the Council including the parties, an attempt to reconcile and to adapt the standpoints of the parties in order to establish the basis or the principles of an agreement that would be unanimously accepted; finally, the ground cleared, recommendations for direct negotiations between the parties.

The Council was untiring in its application of this method to both cases, which are now being dealt with by direct negotiations based upon its recommendations.

Minority questions—the importance of which was emphasised by the Assembly in the general debate on the report of the Council—were considered by the Council and also by Council Committees of Three, which examined all petitions recognised as receivable. These petitions mainly concerned educational matters in Upper Silesia, and were submitted to the Council by the *Deutscher Volksbund* of Polish Upper Silesia. The most important was raised in connection with the admission of children to the primary minority schools of Polish Upper Silesia. The German

Government submitted to the Permanent Court the legal points involved and, in the light of the interpretation given, the Council laid down the principles which should in future govern language declarations made with a view to the establishment of new minority schools or the admission of children to existing ones.

In connection with an application made to the League by the Albanian Government under Article 11 of the Covenant concerning the position of the Albanian minority in Greece, the Council defined the conditions in which this article might be applied to minority questions.

\* \* \*

A perusal of this pamphlet will show that there is hardly any field of international life or of inter-Governmental co-operation that does not fall within the sphere of the League of Nations; and that, further, there are hardly any States, Members or non-members, that do not co-operate in some way with the League. The United States, Turkey, the Union of Socialist Soviet Republics take part in some of the technical work and even in certain aspects of the political work of the League (Preparatory Commission for the Disarmament Conference, Arbitration and Security Committee).

There can be no better example of this extension of the League's role and the diversity of its duties than the ninth ordinary session of the Assembly, which was held in Geneva in September 1928. Fifty nations—the largest number hitherto represented—sent delegates. Six were represented by Prime Ministers, seventeen by Foreign Ministers; and this circumstance made it possible for certain States to hold preliminary conversations at Geneva on such questions as the final settlement of reparations and the evacuation of the Rhine Provinces.

The general debate on the work of the past year—which takes place during the first week of the Assembly, and in the course of which the delegates express their views as to the past and future work of the League—included discussion of such vital questions as the organisation of peace by arbitration, security and the reduction of armaments; the Franco-German relations; minorities; the work of the Court and the development of international law; international economic relations, etc.

The Pact for the Renunciation of War as an Instrument of National Policy, better known as the Briand-Kellogg Pact, which had been signed in Paris in the week before the opening of the Assembly by delegates who, for the most part, also represented their Governments at Geneva, was also a subject dealt with in the course of this general debate by a great number of delegates, who emphasised its significance in the work for peace.

In his closing speech, the President of the Assembly, M. Zahle, referred to the general debate in the following terms :

You all followed with interested attention, as I myself did, the general discussion with which we opened the proceedings; you heard speeches from this platform on various problems which in the past nobody would have dared to raise, which only became the subject of international negotiations at times of crisis and anxiety, but which today are constantly and vigilantly watched over by the League.

I feel that there is already a strong guarantee of peace in these new methods of international frankness, of freedom of judgment, of direct discussion between the countries concerned, in an Assembly whose unanimous desire is to mitigate antagonism and to remove causes of conflict.

Public statements, direct discussion, endeavours to understand and to conciliate, international co-operation in the most varied fields—these few short phrases may well serve as an epitome of the methods of the League of Nations.

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## CHAPTER I

### THE LEAGUE OF NATIONS AND THE STATES

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*Council Resolution concerning Spain and Brazil. Spain remains a Member of the League. — Brazil confirms her Notice of Withdrawal. — Exchange of Correspondence between the Council and the Government of Costa Rica : Article 21 of the Covenant — The League and the Argentine. — The League and the United States of America. — The League and Turkey. — The League and the Union of Socialist Soviet Republics. — Other States.*

Various changes took place during the year in the League's relations with certain of its Members, and several non-member States participated in League work in one form or another.

In 1926, following the re-organisation of the Council, Brazil and Spain had forwarded to the Secretary-General the two years' notice laid down in Article 1 (paragraph 3) of the Covenant for the withdrawal of States Members of the League.

As this notice was due to expire for Brazil in June, and for Spain in September 1928, the Council, in March, requested its President, M. Urrutia (Colombia), to invite these States to consider the possibility of remaining Members of the League. It also requested him to write to the Government of Costa Rica, which had definitely withdrawn from the League, expressing the satisfaction which would be felt by the League if Costa Rica would once more become a Member.

The essential passages of the texts relating to these negotiations will be found below, together with an account of

the results. The Spanish Government accepted the invitation unconditionally and without reservation. Brazil replied that, if collaboration with the League implied permanence as a member thereof, the Brazilian Government would be the first to regret that the present circumstances did not allow such collaboration. The Government of Costa Rica, on receiving the Council's reply to its question concerning the reference to the Monroe Doctrine in Article 21 of the Covenant, stated that it had decided to submit to its Constitutional Congress the invitation to resume League membership.

#### I. COUNCIL RESOLUTIONS CONCERNING SPAIN AND BRAZIL.

On March 8th, the President of the Council proposed that his colleagues should adopt resolutions, accompanied by a letter, which he would sign on behalf of the whole Council, informing the Spanish and Brazilian Governments of the importance which the Council and the League as a whole attached to their co-operation as Members of the League.

This proposal was supported by all the other Members of the Council. The following day—March 9th—the Council adopted two resolutions expressing to the Brazilian and Spanish Governments its regret that Brazil and Spain might cease to be Members of the League; and voicing the hope that they would give very careful consideration to the possibility of remaining Members.

In the letters to the Spanish and Brazilian Governments, the President explained the meaning and scope of the resolutions, and the spirit in which they had been adopted. The letter to the Spanish Government contained the following passage:

I would state at the outset that the Council has been most careful to avoid even the appearance of an expression

of opinion in regard to the possible interests of Spain in the decision which is now before your Government. If the Council sought to give an opinion on this point it would be exceeding its competence and departing from the principles which have continually guided the action of the League. The point which the Council now desires to make clear beyond any possibility of doubt is the keen desire which is felt by the whole League of Nations to see Spain once more co-operating fully in the progressive work which it is endeavouring to carry out.

It is inevitable that the Council should attach a very special importance to the co-operation of Spain. Spain is to all the world a country which has a secure place amongst those pre-eminent in art and in letters, in her historical prestige, in her great contribution to the development of modern civilisation, and in the extension of Spanish civilisation to one of the most important regions of the world. The recent history of Spain clearly shows that her future will be no less splendid than her past. But to us who are Members of the Council, Spain means much more even than this. She was one of the original Members of the Council and, as the only one of the original Members not involved in the Great War, was marked out to play a part of special importance in our deliberations. She did, in fact, play that part in a spirit of impartiality and wisdom, to which other nations have on many occasions paid tribute.

There is, we believe, no doubt that the influence and prestige of the League have steadily grown since its inception and are destined to grow much more. But in proportion as its influence increases, increases also its responsibility. The League has faced more than one moment of difficulty; and the fact that it has faced them with success makes it all the more certain that, should some new and yet graver crisis arise, it is to the League that humanity will look to save it from disasters equal to or greater than those that are within the memory of us all. It is because the League, and especially the Council, must endeavour to ensure with increasing certainty that, if a crisis arises,

they shall be strong enough to prevent the outbreak of war that we view with special anxiety the prospect of being deprived of the collaboration of Spain.

In his letter to the Brazilian Government, M. Urrutia wrote :

No one who has worked for international peace and co-operation at the meetings of the League of Nations can forget the important part which the Brazilian delegations took in all our activities.

Brazil has been one of the protagonists of arbitration and international justice : the Statute of the Permanent Court of International Justice bears the profound imprint of the ideas put forward by Brazil, and the Brazilian delegates, to whose views their colleagues have always listened with respect, have year by year defended the cause of arbitration. I venture to say that they have seen the ideas they sowed bear a rich harvest; for the great movement towards arbitration which has taken place in recent years is undoubtedly due mainly to the existence of the League of Nations and to the action taken at its Assemblies by delegations inspired by a spirit of idealism and justice.

The League is, however, far from having reached its full development. Last year it dealt with the great problems of world economic organisation, and at this first Economic Conference, which is to be followed by further endeavours, Brazil once again gave the League the valuable assistance of her Government delegates and her experts. The problems raised by the great questions of the security of nations and the reduction and limitation of armaments are also among those dealt with by the League. Will not Brazil come to the League's aid alike with her idealism and her practical wisdom? Will she discontinue her co-operation in all the other work — technical, intellectual and social—in which she has hitherto taken part as a Member of the League?

## II. SPAIN REMAINS A MEMBER OF THE LEAGUE.

The Spanish Government replied on March 22nd :

The cordial terms of your letter, in which you avoid even the appearance of an expression of opinion in regard to our national aspirations, merely stating your earnest desire that the League should not be deprived of the co-operation of Spain, so that she might continue to assist the League in its great and disinterested work, have made a profound impression on my Government, which met in Council for the express purpose of considering this important communication.

During these last years, Spain has not ceased to pursue the lofty ideal which inspires the League of Nations, and she has proposed and concluded treaties of conciliation and arbitration with various States. We therefore greatly appreciate the Council's invitation transmitted by you, and in reply, the Spanish Government has no alternative but to express its gratitude and to accept the invitation unconditionally and without reservation. We leave it to the Assembly to decide the form which Spain's co-operation should take and the position due to her in order that her rôle may be effectual and valuable and in consonance with her special situation as a greater Power, which was neutral during the last war, and with her great past, as the creator of nations and civilisations.

Spain sent a delegation to the ninth ordinary session of the Assembly, by which she was elected a non-permanent Member of the Council and declared re-eligible on the expiration of her present term of office.

## III. THE BRAZILIAN GOVERNMENT CONFIRMS ITS NOTICE OF WITHDRAWAL.

The Brazilian Government replied, on April 9th, by a letter stating, *inter alia* :

The Government now responsible for the policy of Brazil, duly considering the subject, both from the political

and from the moral standpoint, reviewing all the documents of the case, with the sole purpose of being loyal to the duties and responsibilities of this country, find no determining factor for altering, under such delicate circumstances, a situation which had already been clearly defined, since the contingencies which brought it about are nowise changed.

If, therefore, collaboration with the League of Nations implies permanence as a member thereof, the Brazilian Government are the first to regret that the present circumstances should not allow such collaboration.

It would appear to me, however, that it is not only by occupying a seat in the Assembly or in the Council that a country can collaborate with the League of Nations. Such countries collaborate as recognise its service to civilisation and to humanity. Countries that do honour to the great organisations created by the League of Nations, amongst which the Permanent Court of International Justice stands foremost, and join in the conferences through which the League of Nations strives for universal welfare by working out problems of general interest rightly consider themselves collaborators. Lastly, it is clear that support is also brought to the League of Nations by those countries that preach and practise, in whatever part of the world they may lie, to the utmost of their power, the true policy of preserving peace, in no matter what emergency, by the employment of juridical solutions, by their disinterestedness, by their amity and by their spirit of justice and of concord.

Collaboration being thus understood, I beg Your Excellency and the Council to consider my country one of the most devoted co-operators of the League of Nations, and if, in the future, Brazil finds it possible to return thereto she will only have ground for rejoicing both at the honour of being once more a member and at the facts in consequence of which her return to that great institution will have been made possible.

#### IV. EXCHANGE OF CORRESPONDENCE BETWEEN THE COUNCIL AND THE GOVERNMENT OF COSTA RICA. — ARTICLE 21 OF THE COVENANT.

In his letter to the Costa-Rican Government, the President of the Council said :

I am particularly happy to express the feelings with which the League would welcome Costa Rica, being myself a national of one of those American countries which have placed so many hopes in the beneficial action of the League of Nations for the development of international relations, the consolidation of the principle of equality of States, and the maintenance of the peace of the world....

I am happy to interpret the feelings of all my colleagues who, by requesting me to take this step, have no intention of expressing an opinion on the question which I have the honour to submit to the Government of Costa Rica, but only wish to inform Your Excellency of the sincere desire of the League of Nations as a whole that the Republic of Costa Rica should once more take its place in our organisation.

The Costa-Rican Government replied, on July 18th, that before accepting the Council's invitation, it desired to know the construction placed by the League on the Monroe Doctrine, and the scope given to that doctrine when included in Article 21 of the Covenant (1). It said :

Under Article 21 of the Covenant, the international legal scope of the Monroe Doctrine was extended. It

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(1) The question of Article 21 of the Covenant was raised at the second session of the Arbitration and Security Committee (February 1928) during the examination of M. Rutgers' memorandum on the Articles of the Covenant (see below, Chapter II—Arbitration, Security and the Reduction of Armaments). M. Valdes-Mendeville (Chile), having referred to Article 21 of the Covenant, M. Cantilo (Argentine) spoke as follows :

“ Article 21 has been spoken of in connection with the Articles of the Covenant now under discussion, though no direct mention of it occurs

has since been converted, for all the nations signatory to the Treaty of Versailles, into a constituent part of American public law. This situation would involve no risk to the independence of small nations and could even on the contrary be regarded as the most effective weapon for their defence if, whenever their political horizon were obscured by the slightest shadow of a threat on the part of another nation and there were occasion to apply the Monroe Doctrine, an appeal could be made to an international organ of the importance of the League of Nations for an express and authorised declaration with regard to the actual scope and correct interpretation of the above-mentioned doctrine. It cannot be argued as a reason for a refusal to give this definition that, as stated in Article 21 mentioned above, this doctrine is a regional understanding, since the inclusion of various American nations in the League and the fact that this doctrine is mentioned in the statute by which it was created, fully justify its definition by the League. It may here be pointed out that the doctrine in question constitutes a unilateral declaration.

The Government and the people of Costa Rica gladly recognise the undeniable benefits which, in memorable

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in the memorandum, You know the terms of Article 21. I would just remind you of them :

“Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine..”

“It is my duty to make objections, in the name of historical accuracy, to the wording of Article 21.

“The Monroe Doctrine mentioned in the Article is a political declaration of the United States. The policy expressed or enshrined in this declaration in opposing, when it was made, the designs of the Holy Alliance, and in removing the threat of a European re-conquest of America was, by a fortunate coincidence of principles, of very great service to us at the beginning of our existence. We fully recognise that in this sense the declaration has done and always will do great honour to the United States, whose political history contains so many fine pages with reference to freedom and justice. It would be untrue — it is, in fact, quite untrue — to give, as Article 21 gives, even by way of an example, the name of regional agreement to a unilateral political declaration which has never, as far as I am aware, been explicitly approved by other American States.”

epochs of the political life of the Western Hemisphere, have resulted from the declaration made by President James Monroe in his famous message of December 2nd, 1823. Nevertheless, owing to various historical events, which it would be inopportune to mention here, and also to the lack of general agreement as to the scope of that declaration, both public opinion and publicists have differed widely as to its correct interpretation. It is unusual even to find men with the responsibilities of high office expressing opinions such as that held by the former Secretary of the United States, Mr. Elihu Root, who went so far as to regard the Monroe Doctrine as a declaration based on the North-American people's right to self-protection, and thought that it could not be made to cover all the American nations or even a limited number of them.

Before acceding to the Treaty at the plenary session of the Versailles Congress, the Chancellory of the sister Republic of Salvador—considering that, in virtue of the unqualified acceptance by the various nations of the Monroe Doctrine, the latter would have to be converted into a principle of universal public law, *juris de jure*—requested the United States Government, in an eloquent message to His Excellency the Secretary of State, to make an authoritative statement on the doctrine. The Government furnished the interpretation requested by Salvador, and stated in the reply signed by Mr. Secretary Frank L. Polk that its opinion on this doctrine was to be found in the speech made by the President of the United States of America at the second Pan-American Scientific Congress. The speech in question had been made by the distinguished statesman Dr. Woodrow Wilson to the delegates of the Congress which met from December 27th, 1915, to January 8th, 1916.

This letter was carefully examined and the Council telegraphed its reply to San José on September 1st.

The following are the chief passages :

Article 20 stipulates that "the Members of the League severally agree that this Covenant is accepted as abrogating

all obligations "or understandings *inter se* which are inconsistent with the terms thereof" ... Article 21 gives the States parties to international engagements the guarantee that the validity of such of these engagements as secure the maintenance of peace would not be affected by accession to the Covenant of the League of Nations. In declaring that such engagements are not deemed incompatible with any of the provisions of the Covenant, the Article refers only to the relations of the Covenant with such engagements; it neither weakens nor limits any of the safeguards provided in the Covenant.

In this connection, it may be recalled that, as appears from contemporary documents, Article 21, which had originally been proposed for insertion in another part of the Covenant, was subsequently placed after Article 20, to which it appeared preferable to attach it, first as an additional paragraph and then as a separate Article.

In regard to the scope of the engagements to which the Article relates, it is clear that it cannot have the effect of giving them a sanction or validity which they did not previously possess. It confines itself to referring to these engagements, such as they may exist, without attempting to define them : an attempt at definition being, in fact, liable to have the effect of restricting or enlarging their sphere of application. Such a task was not one for the authors of the Covenant; it only concerns the States having accepted *inter se* engagements of this kind.

The Government of Salvador, as you yourself pointed out, had preoccupations similar to those of your Government, and they had given rise to correspondence between San Salvador and Washington, as a result of which the Government of Salvador decided, in view of the reply made by the Department of State of the United States to its request for an interpretation of the Monroe Doctrine, to accede to the Covenant of the League of Nations.

There is another point to which the Council ventures to draw your Government's attention : the Covenant of the League forms a whole; the Articles of which it is composed confer upon all the Members of the League equal obligations

and equal rights, in order, as the Preamble says, to promote international co-operation and to achieve international peace and security. It is further incumbent upon all the Members to work on this basis in the spirit of mutual goodwill and collaboration towards progressively increasing the effectiveness of the League's action.

The Costa-Rican Government replied that it had decided to submit to its Constitutional Congress the invitation to resume membership of the League, requesting it to vote the necessary funds for the payment of Costa Rica's contribution.

#### V. THE LEAGUE AND THE ARGENTINE.

When the above telegram was communicated to the Assembly, the delegates of Salvador, Spain, Chile, Germany, Switzerland, France, Uruguay, Portugal, Italy, Poland, Paraguay and Japan expressed their satisfaction at this decision and the hope that the Argentine Republic might also fully co-operate in the League's work.

This evidence of the Assembly's sentiments, said the President of the Assembly, towards the great South-American Republic is a further proof of our sympathy for that noble country and the high value we attach to its co-operation.

The Argentine Republic was represented during the past year—by Government delegates or by experts—at meetings of the following technical and political organisations: the Financial Committee, the Committee of Experts for the Progressive Codification of International Law, the Health Committee, the Committee on Intellectual Co-operation, the Preparatory Commission for the Disarmament Conference, and the Arbitration and Security Committee.

## VI. THE LEAGUE AND THE UNITED STATES OF AMERICA.

The United States continued to co-operate in most of the League's technical work, American experts sitting on committees of the Transit Organisation, the Health Committee, the Committee on Intellectual Co-operation, the Committee for the Progressive Codification of International Law, the Financial Committee and the Commission for the Protection and Welfare of Children and Young People.

Since the beginning of 1928, an American member, Mr. Lucius Eastman (Chairman of the Merchants' Association, New York) has sat on the Economic Committee, and American experts attended the first session of the Economic Consultative Committee.

The Rockefeller Foundation made a grant of about \$120,000 for interchanges of medical officers, the Epidemiological Intelligence Service and other work of the Health Organisation.

The United States Government sent a representative to the Preparatory Commission for the Disarmament Conference and delegations to the two Conferences for the Abolition of Import and Export Prohibitions and Restrictions. It signed, on July 31st, 1928, the Convention drawn up by the first of these Conferences.

## VII. THE LEAGUE AND TURKEY.

In response to the Council's invitation of March 9th, 1928, Turkey was represented at the March session of the Preparatory Commission for the Disarmament Conference by her Foreign Minister, Tewfik Rouchdy Bey. She took part in the work of the Arbitration and Security Committee, and sent representatives to the Conference for the Abolition of Prohibitions.

### VIII. THE LEAGUE AND THE UNION OF SOCIALIST SOVIET REPUBLICS.

The Union of Socialist Soviet Republics sent a delegation to the fourth session (November-December) of the Preparatory Commission for the Disarmament Conference, taking part for the first time in the work of that body. It was represented by an observer on the Arbitration and Security Committee.

Experts from the U. S. S. R. also took part in certain activities of the Health and Transit Organisations and the Soviet Government announced its intention of sending representatives to the Conference on Double Taxation and Tax Evasion (October 1928) and the Conference on Economic Statistics (November 1928).

### IX. OTHER STATES.

Other non-Member States also took part in the League's work. Egypt was represented at the Conferences for the Abolition of Prohibitions; Mexico accepted an invitation to the International Conference on Economic Statistics; Ecuador co-operated in the League's work, and in 1928 acceded to the Slavery Convention concluded at Geneva in 1926.

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## CHAPTER II

### ARBITRATION, SECURITY AND THE REDUCTION OF ARMAMENTS

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- I. Arbitration and Security. — Introduction. — Memorandum on Arbitration and Conciliation. — Memorandum on Security. — Memorandum on Articles 10, II and 16 of the Covenant. — Model Conventions and Treaties. — Financial Assistance to States Victims of Aggression. — Communications of the League in Cases of Emergency. — The Work of the Arbitration and Security Committee before the Assembly : (1) General Act for the Pacific Settlement of International Disputes—Bilateral Conventions; (2) Model Treaties of Non-Aggression and Mutual Assistance; (3) Model Treaty for strengthening Means of preventing War; (4) Financial Assistance; (5) Communications of the League in case of emergency.— Council Resolutions.
- II. Reduction of Armaments. — Meeting of the Preparatory Commission : (a) Progress of the Work of the Preparatory Commission; (b) Drafts submitted by the U. S. S. R. — The Assembly and the Reduction of Armaments. — Supervision of the Private Manufacture and Publicity for the Manufacture of Arms. — Composition of the Preparatory Commission for the Disarmament Conference and of the Special Commission on the Private Manufacture of Arms, etc.
- III. Right of Investigation. — End of the Inter-Allied Military Control in Bulgaria.
- IV. The Szent-Goithard Station Incident. — Examination by the Council. — Constitution of a Committee. — The Committee's Work and Report. — The Council Resolution. — Measures to preserve the Status quo.

In September 1927, the Assembly invited the Preparatory Commission for the Disarmament Conference to continue, with the assistance of a special Committee, to consider "the measures capable of giving all States the necessary guarantees of arbitration and security", and to bring its work to a rapid conclusion, so that the Council might convene without delay the Conference for the Limitation and Reduction of Armaments.

Only the first part of this task was accomplished. The Arbitration and Security Committee set up by the Preparatory Commission in November 1927 drew up a series of conventions and treaties; a Mixed Committee (representatives of the Financial Committee and of the Arbitration and Security Committee) continued to study the question of financial assistance to States victims of aggression, while the Committee for Communications and Transit examined means of improving League communications in case of emergency.

The Preparatory Commission, on which the Union of Socialist Soviet Republics and Turkey were represented for the first time, was obliged, however, to postpone the conclusion of its work, as the Powers concerned failed to reach agreement.

#### I. ARBITRATION AND SECURITY.

The Arbitration and Security Committee was set up on November 30th, 1927; it included representatives of all the States belonging to the Preparatory Commission for the Disarmament Conference, with the exception of the United States, whose delegate, when the Committee was constituted, recalled the "historic attitude" of his country towards European political problems in the following terms : "That attitude is simple and consists in our determination to leave to the European States those matters which are peculiarly their own concern." He added, however, that his Government would be glad to take into careful consideration any recommendations that might subsequently be made by the Arbitration and Security Committee. The delegate of the Union of Socialist Soviet Republics sat as observer. Turkey sent a delegate to the third session of the Committee.

The Committee held three sessions—in December 1927, in February-March and June-July 1928.

At its first session, the Committee elected the Czechoslovak Foreign Minister, M. Benes, as Chairman, and laid down its programme and method of work. The Assembly having instructed it to examine measures with a view to "promoting, generalising and co-ordinating special or collective agreements on arbitration and security" and the "machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various Articles of the Covenant", the Committee divided the subjects to be considered into two groups, consisting respectively of arbitration and security agreements and of Articles 10, 11 and 16 of the Covenant, together with questions relating to League communications in case of emergency and to financial assistance. It entrusted the study of these subjects to three Rapporteurs: M. Holsti (Finland) for arbitration agreements, M. Politis (Greece) for security agreements, and M. Rutgers (Netherlands) for the Articles of the Covenant.

These preliminary studies were co-ordinated by their authors in conjunction with the Chairman at a meeting at Prague, and were submitted to the Committee at its second session (February 20th-March 7th, 1928) in the form of three memoranda preceded by an introduction, the joint work of the Chairman and Rapporteurs.

The memoranda were drawn up with due reference to the indications contained in the notes of certain Governments (Belgium, Germany, Great Britain, Norway and Sweden) and the observations submitted by the representatives of other Governments at the previous discussions on questions relating to arbitration and security.

The introduction and the memoranda, which served as a basis for the subsequent work of the Committee—more particularly the preparation of conventions and treaties—are summarised below.

*Introduction.* — The Chairman and Rapporteurs stated that their studies had brought out the following conclusions :

The Covenant created a measure of security which needed to be appreciated at its full value. The articles could be applied in such a way that, in the majority of cases, they could prevent war. The common will for peace could be exercised within the framework of the Covenant—the more effectively because that instrument did not provide any rigid code of procedure for the settlement of international crises. It was impossible at present to draw up in advance a complete list of the measures that might be taken by the Council to maintain peace; nevertheless, there was constant evolution towards improvements in the methods employed by the Council within the ambit of the Covenant, so that resort to war without the responsibilities for such a step being manifest to the whole world was becoming more and more difficult to imagine.

Although there was an omission in Article 15, paragraph 7, of the Covenant from a legal point of view (<sup>(1)</sup>), nevertheless, from a political standpoint, the freedom of action which would be restored to the Members of the League should the Council fail to reach a unanimous report constituted a threat which might be an influence for peace. Before abandoning the attempt to agree upon a unanimous report, the Council would have made so many efforts to settle any dispute submitted to it that public opinion in all countries would be enlightened as to the real incidence of the responsibility, should its efforts fail.

The Covenant provided Members of the League with a measure of security which it was their duty to develop still

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(1) "If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice" (Article 15, paragraph 7).

further by co-operating resolutely for the establishment of international peace. This obligation had indeed been observed during the last few years by a great number of States which had concluded special or collective treaties of arbitration and security. This method of special or collective treaties appeared at the present moment to be the only practical means that could be recommended to States in search of more effective security. Those nations which considered the general measure of security afforded by the Covenant inadequate for their needs must, at the present moment, regard the conclusion of security pacts with other States in the same geographical area as the only practical or possible form of supplementary guarantees.

The introduction pointed out that the Rapporteurs had been careful to avoid the use of general and too rigid formulæ. They had sought material for a solution within the framework of the Covenant and in harmony with its spirit without proposing any alteration in the text of the articles.

*Memorandum on Arbitration and Conciliation.* — The Rapporteur, M. Holsti (Finland), referred in his report to the remarkable increase in the number of treaties for the pacific settlement of disputes between pairs or small groups of States <sup>(1)</sup>, observing that their characteristic features were a greater readiness to accept arbitration or conciliation, if not for all possible disputes, at least for all those of a juridical nature, and the tendency to abandon traditional reservations or to restrict their scope. Methods of procedure had improved, the procedure of conciliation in particular being mainly a post-war creation.

He considered that there could be little doubt that this progress had been principally due to the influence of the Covenant, the positive measures which the League had been

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(1) See Chapter VI. — Legal and Constitutional Questions : Registration of Treaties, pages 92 and 93.

able to take, and the active discussion<sup>2</sup> of these subjects by the Assembly.

*Memorandum on Security.* — M. Politis (Greece), Rapporteur, considered there was only one possible way of endeavouring to increase the guarantees of security, namely, the conclusion of separate agreements or regional pacts of non aggression, of pacific settlement of disputes and mutual assistance, or of non-aggression only. The more logical and speedy method of a general treaty binding on all States Members must be excluded for the time being. The type of security agreement most easily brought into line with the Covenant appeared to be a regional pact of non-aggression, arbitration and mutual assistance. Among the questions which would have to be taken account of in framing model regional security treaties, M. Politis suggested three which must always be dealt with if a security pact were to achieve its object, namely : (1) the exclusion of resort to war; (2) the organisation of pacific procedure for the settlement of all disputes; (3) the establishment of a system of mutual assistance, linked with the functions of the Council.

*Memorandum on Articles 10, 11 and 16 of the Covenant.* — The Rapporteur, M. Rutgers (Netherlands), said that it did not seem advisable to draw up a rigid and complete code of procedure for the League in times of emergency. The task of the League was to maintain peace, and to fulfil this task it must above all prevent war. The application of repressive measures, which could not but have serious consequences, should, in his opinion, only take place in extreme cases where preventive measures had unfortunately failed.

In order to facilitate the application of Article 16, M. Rutgers was of opinion that it was necessary to make a full and conscientious use of other Articles of the Covenant, especially of Article 11, which enabled the Council to keep in touch with developments in a conflict and so to construct a

basis for the decisions which it might be called upon to take under Article 16.

*Model Conventions and Treaties.* — Agreement having been reached in the course of a general discussion on the main ideas in these memoranda and in the introduction, the Arbitration and Security Committee decided to draw up the following texts :

- (1) Three model General Conventions for the pacific settlement of international disputes;
- (2) Three model *Bilateral* Conventions on the lines of those just mentioned;
- (3) A special 'resolution designed to facilitate States' acceptance of the compulsory jurisdiction of the Permanent Court of International Justice, which might be forwarded to Governments by the Assembly;
- (4) Three model Treaties of non-aggression and mutual assistance;
- (5) To make these various treaties operative and facilitate their negotiation and conclusion, the Committee embodied in special resolutions to be submitted to the Assembly a procedure for mediation by the Council in the form of an offer of its "good offices" under certain conditions.
- (6) In addition to these texts should be mentioned a model Treaty to strengthen Means of preventing War, framed at the request and in accordance with the suggestions of the German delegation.

On the basis of the Rapporteur's studies concerning Articles 10, 11 and 16 of the Covenant, the Committee drew up a resolution recommending these studies more particularly to the Assembly as containing "highly instructive indications of the possibilities inherent in the various articles of the

Covenant, and the manner in which those articles can be applied".

Conventions, treaties and resolutions were framed and adopted at two sessions held from February 20th to March 7th and from June 27th to July 4th. In the interval between these sessions, the texts adopted on first reading were communicated to all Governments for examination (1).

*Financial Assistance to States Victims of Aggression; League Communications in Case of Emergency.* — The framing of these conventions, together with the resolutions concerning the compulsory jurisdiction of the Court, the good offices of the Council and the Articles of the Covenant, constitutes the main achievement of the Arbitration and Security Committee. This does not, however, represent the full extent of the Committee's efforts to improve conditions of security within the meaning of the Assembly recommendations, which also included resolutions concerning financial assistance and League communications in case of emergency.

The first was the outcome of the work of a special body known as the Mixed Committee, consisting of members of the Financial Committee and of the Arbitration and Security Committee. The resolution adopted by the Arbitration and Security Committee invited the Assembly to express an opinion on certain preliminary legal and political questions referred to it by the Mixed Committee.

The improvement of League communications in case of emergency had previously been studied by the Committee for Communications and Transit. A resolution of the

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(1) This procedure was not possible in the case of the model Treaty to strengthen the Means of preventing War, the proposal having been submitted by the German delegation at the Committee's second session, and the treaty having been drawn up and adopted at the third session on a report presented by M. Rolin-Jaequemyns (Belgium).

Arbitration and Security Committee, based on these studies emphasised the necessity in case of emergency for the League's safeguarding its communications by special means independent of the general system of national communications.

M. Benes, Chairman of the Committee, summed up as follows the results obtained by the Committee between December 1927 and July 1928 : .

We have adopted a certain number of resolutions accompanied by texts of model Treaties on Arbitration, Conciliation, Mutual Assistance and Non-Aggression. These decisions will indicate the path to be followed by the Members of the League of Nations in endeavouring to achieve the final consolidation of Europe and in securing pacification and a durable peace. Here we have a kind of general policy of the League of Nations which we have endeavoured to outline. That policy is based on one or two essential principles :

1. It is essential that we should undertake not to make war.
2. It is essential to complete this undertaking with another undertaking to settle all disputes by pacific means.
3. This arrangement can be still further completed by an undertaking of mutual assistance embodied in a treaty which we have called a Treaty of Mutual Assistance and Non-Aggression.
4. We leave to the States which cannot immediately adopt these principles as a whole the option of voluntarily and progressively bringing their policy into accord with these principles by following the evolution which is taking place in the general position and in their special situation.
5. We are asking the Council of the League of Nations in practice to follow this path and to help States to achieve this object, while respecting the wishes and desires of the various Members of the League.

While, however, we absolutely respect the freedom of everyone concerned, it must not be forgotten that the

path we have traced is recommended as a possible and the most practical means of achieving our object, and that in all cases States should be governed by the spirit underlying this policy. This policy is bound up with the future work which will be done for the Conference on the Reduction and Limitation of Armaments, and we believe that it will enable that work to be more easily conducted to a successful conclusion (1).

*The Work of the Arbitration and Security Committee  
considered by the Assembly.*

The Assembly made a thorough examination of the texts submitted by the Committee. It introduced such changes as it thought desirable, finally adopting a number of resolutions on the presentation and recommendation of the model conventions and treaties to Governments, the procedure whereby the Council may offer its good offices to Governments desirous of conducting negotiations, the studies on Articles 10, 11 and 16 o the Covenant, the compulsory jurisdiction of the Permanent Court of International Justice, financial assistance, and the communications of the League in case of emergency.

(1) *General Act for the Pacific Settlement of International Disputes; Bilateral Conventions.* — The most important change introduced by the Assembly was the combination in one General Act of the different draft *General Conventions for the Pacific Settlement of Disputes*.

The Arbitration and Security Committee had framed three model General Conventions sufficiently varied in character to meet the requirements and circumstances of different Governments. One provided exclusively for conciliation

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(1) Extract from a speech made by M. Benes at the conclusion of the second session of the Committee on Arbitration and Security (March 7th, 1928).

procedure. It simply reproduced--and as it were codified--the provisions regarding conciliation found in a large number of existing treaties, more particularly the Locarno treaties. The second, in addition to conciliation, provided compulsory arbitration for legal disputes, constituting as judge the Permanent Court of International Justice, unless the parties agreed to have recourse to an arbitral tribunal. Lastly, the third and most complete of these model Conventions extended judicial or arbitral settlement to all disputes without distinction; it provided for the jurisdiction of the Permanent Court for legal disputes, while for non-legal disputes the parties were to constitute a special arbitral tribunal.

Further, with a view to practical results and taking account of the difficulties peculiar to individual States, the Arbitration and Security Committee made ample provision for reservations to the Conventions, at the same time defining their scope, so as to avoid uncertainty or abuse, and making them subject to supervision by the Permanent Court of International Justice instead of leaving it to the discretion of the parties.

¶ The Assembly had to consider the preliminary question of how to establish between the Conventions the link which was still lacking. It settled the difficulty by framing a single General Act, whose four chapters reproduce the provisions of the three general Conventions : Chapter I on Conciliation, Chapter II on Judicial Settlement and Chapter III on Arbitral Settlement. The last chapter contains general provisions of the kind found in all three Conventions. Any State can thus limit as it pleases its commitments under the terms of the General Act, by acceding either to the Act as a whole, or to Chapters I, II and IV, or simply to Chapters I and IV and "the Contracting Parties may benefit by the accessions of other Parties only in so far as they have themselves assumed the same obligations "

The General Act will require neither negotiation nor signature. Directly two States have notified their accession to the whole or to any one part of the Act, the latter will come into force and will remain open indefinitely for the accession of other States.

The Assembly, accepted without change the three model *Bilateral Conventions* drawn up by the Committee for the settlement of disputes. These texts are being submitted to States under the same conditions as the General Act, in deference to two tendencies shown during the work of the Arbitration and Security Committee and of the Assembly itself : certain delegations had emphasised the merits of general undertakings, while others had signified their preference for special undertakings.

The Assembly finally adopted a resolution inviting " all States, whether Members of the League or not, and in so far as their existing agreements do not already achieve this end ", to become parties to the General Act or to conclude bilateral conventions.

It further invited the Council :

... to inform all States Members of the League that, should States feel the need of reinforcing the general security conferred by the Covenant and of contracting for this purpose undertakings concerning the pacific settlement of any disputes which may arise between them, and should negotiations in connection therewith meet with difficulties, the Council would, if requested to do so by one of the parties—after it has examined the political situation and taken account of the general interests of peace, be prepared to place at the disposal of the States concerned its good offices, which, being voluntarily accepted by them, would be calculated to bring the negotiations to a happy issue.

This is known as the resolution concerning the good offices of the Council for the negotiation of arbitration and conciliation conventions.

The Assembly also adopted the resolution prepared by the Arbitration and Security Committee on the compulsory jurisdiction of the Court.

To diminish the obstacles which prevent States from accepting the compulsory jurisdiction of the Court, the Assembly directs their attention to the possibility, under the actual terms of the Optional Clause of the Court Statute, of acceding subject to reservations limiting either the duration or the extent of their undertakings. It accordingly recommended that States which had not yet accepted the compulsory jurisdiction of the Court should, failing accession pure and simple, consider, with due regard to their interests, whether they could accede on the conditions indicated above. It requested the Council to communicate the text of this resolution to those States as soon as possible, desiring them to notify it of their intentions and to indicate at the same time the questions of international law the elucidation of which would in their opinion facilitate their acceptance of the Court's compulsory jurisdiction.

(2) *Model Treaties of Non-Aggression and Mutual Assistance.* — In the matter of non-aggression and mutual assistance, as in the case of the pacific settlement of international disputes, the Arbitration and Security Committee framed several model treaties designed to satisfy the demands of States which required supplementary guarantees of security<sup>(1)</sup>. These treaties were three in number—the first,

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(1) At the fifth session of the Preparatory Disarmament Commission, Tewfik Rouchdy Bey, Turkish Foreign Minister, stated that his Government highly appreciated the value of all pacific means for the settlement of international disputes. He added that it preferred conciliation procedure before resorting to arbitration. As regards security, Tewfik Rouchdy Bey said his Government was fully aware of the concern to which this question gave rise in many States in connection with the examination of the question of disarmament. In his opinion, the most appropriate means of obtaining security was the conclusion of treaties of non-aggression which would at the same time involve neutrality. He spoke as follows :

“Such treaties would not encounter any difficulty, nor would there by any objection to them on the part of Members of the League on the

collective in form, was the most far-reaching, embodying as it did three of the essential features of the Locarno Rhine Pact : (1) an undertaking in regard to non-aggression; (2) procedure for pacific settlement whereby legal disputes were submitted to arbitration, others being submitted to conciliation procedure or in the event of failure referred to the Council under the terms of Articles 15 or 17 of the Covenant, according to the case; (3) an undertaking in regard to mutual assistance should one of the contracting parties be the victim of aggression by another contracting party after the Council had established the aggression and designated the aggressor.

The second model treaty, also collective in form, contained the same clauses as the first, with the exception of those relating to mutual assistance.

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ground that, as they involved the obligation of neutrality simultaneously with that of non-aggression, they would be running counter to the provisions of the Covenant, which, in certain circumstances, prescribe the application of measures decided on by the Council.

"An undertaking of non-aggression accompanied by that of neutrality is indeed just as compatible with the Covenant as the undertaking of non-aggression itself, subject to the application of any Council decisions in regard to repressive measures.

"It appears to me that there would be no question of applying the provisions of the Covenant in regard to aggressors to a non-Member State which had given evidence of its pacific aspirations by declaring its readiness to conclude treaties of non-aggression and neutrality with all countries without any distinction.

"If we suppose that the State in question violated its undertaking of non-aggression, it follows as a matter of course that the undertaking of neutrality assumed in regard to it by other States, whether Members or non-members, would become invalid immediately it became an aggressor and thus broke its pledge. From that moment, States Members would resume their entire liberty of action and could fulfil their obligations arising out of the provisions of the Covenant."

The Arbitration and Security Committee, being of opinion that the Turkish delegation's proposals involved problems of too complex a character for them to be studied before the meeting of the Assembly, decided to adjourn their examination, in agreement with the Turkish delegate. These proposals are mentioned in the introductory note which the Assembly agreed to have circulated to the Governments with the model treaties.

The third treaty was similar to the second, except that it was bilateral in form. It is a special treaty of non-aggression also containing clauses for the pacific settlement of disputes.

Although the model Collective Treaty of Non-Aggression and Mutual Assistance is based on the Locarno Rhine Pact, there are numerous differences between them; the model treaty does not contain the special clause embodying the guarantee in regard to the territorial *status quo*, nor does it include a guarantee by third States : in the case of flagrant aggression, it does not provide for mutual assistance before the Council has established the fact of aggression, and it contains no provision in regard to demilitarised zones. As regards these various points, the Arbitration and Security Committee was of opinion that such clauses should not be regarded as general rules to be included in all treaties of this kind. It held, on the contrary, that all these points, more particularly the last two—mutual assistance in case of flagrant aggression, and demilitarised zones—were special questions which should be examined in each individual case and settled in accordance with the circumstances of the contracting parties.

The Assembly made practically no changes in the treaties framed by the Committee. It passed a special resolution declaring itself "convinced that their adoption by the States concerned would contribute towards strengthening the guarantees of security" and recommended them "for consideration by States Members or non-members of the League of Nations", expressing the hope "that they may serve as a basis for States desiring to conclude treaties of this sort".

When the Assembly was about to vote on this resolution, the Hungarian delegate said that he would abstain, chiefly because the resolution presupposed a state of mutual confidence which did not appear to him to exist in the part of Europe in which Hungary was situated.

The Assembly further invited the Council :

To inform all the States Members of the League that, should States feel the need of reinforcing the general security conferred by the Covenant and of concluding a treaty of non-aggression and mutual assistance or a treaty of non-aggression for this purpose, and should the negotiations relating thereto meet with difficulties, the Council would, if requested by one of the parties—after it has examined the political situation and taken account of the general interests of peace—be prepared to place at the disposal of the States concerned its good offices, which, being voluntarily accepted, would be calculated to bring the negotiations to a happy issue.

This is known as the resolution concerning the good offices of the Council for the negotiation of agreements in regard to non-aggression and mutual assistance. Mention should also be made of the resolution adopted by the Assembly on the basis of the Arbitration and Security Committee's studies on Articles 10, 11 and 16 of the Covenant.

In this resolution the Assembly :

Recommends to the Council the studies in question as a useful piece of work which, without proposing a hard-and-fast procedure in time of emergency, and without adding to or detracting from the rights and duties of the Members of the League, provides valuable indications as to the possibilities offered by the different Articles of the Covenant, and as to the way in which they may be applied, without prejudice to the different modes of procedure which the infinite variety of possible eventualities may render necessary in practice.

(3) *Model Treaty for strengthening Means of preventing War.* — The Assembly recommended to Governments for examination this model treaty framed on the basis of a proposal from the German delegation, declaring itself

"convinced that its adoption by a large number of States would serve to increase the guarantees of security", and expressed the hope "that it may serve as a basis for States desiring to conclude a treaty of this kind".

The purpose of the model treaty is to facilitate, by undertakings assumed voluntarily in advance by the contracting States, the action of the Council under the Covenant. The High Contracting Parties undertake, in the event of any dispute between them being submitted to the Council, to carry out such provisional recommendations as the latter may make in regard to the subject of dispute with the object of preventing measures being taken by the parties which might be prejudicial to the settlement subsequently proposed by the Council. The contracting parties undertake further to abstain from all measures calculated to aggravate or extend the scope of the dispute.

In the event of hostilities having already begun, the contracting parties undertake to comply with such recommendations as the Council may make concerning the cessation of hostilities, more particularly an order to withdraw forces which have advanced into the territory of another State or into a demilitarised zone.

(4) *Financial Assistance.* — The Assembly succeeded in settling the political and legal difficulties still pending on the conclusion of the Mixed Committee's work in the matter of financial assistance. It decided that the scheme for financial assistance should be drawn up in the juridical form of a special convention, it being understood that the future agreement would figure in the League's general programme for the limitation and reduction of armaments.

Further, the Assembly agreed—except for certain reservations designed to exclude cases of a simple threat of war—that, in the text of the convention to be framed by the Financial Committee, provision should be made for financial

assistance, not only in the case of war at variance with obligations assumed under the Covenant as defined in Article 16, but also in that of war or threat of war under Article 11.

The Assembly agreed with the Financial Committee that the question of granting financial assistance should be decided solely by the Council, by a unanimous vote not including the votes of parties to the dispute, without calling upon the other signatories to the convention not represented on the Council to take part in the decision. It is true that, under Article 4, paragraph 5, of the Covenant, every State Member of the League not represented on the Council is entitled to send a representative to sit as a member at any meeting of the Council, during the consideration of matters specially affecting its interests; but the Assembly thought that there would be no objection to drafting the proposed convention in such a manner that the signatories would, by the mere fact of their accession—or even explicitly—renounce this right.

In pursuance of the Assembly's wishes, the Council on September 21st, requested the Financial Committee to continue its work on a plan for financial assistance, in the form of a draft convention to be submitted to the 1929 Assembly.

(5) *League Communications in Case of Emergency.* — After examining the question of the establishment of a wireless station to ensure independent League communications in times of emergency, the Assembly decided to adjourn its decision.

Two proposals were submitted, one for a station belonging permanently to the League and the other for a station consisting of a short wave-length post and a medium wave-length post to be equipped and operated in ordinary times by the Swiss administration and to be handed over to the exclusive control of the League in times of emergency. The

Assembly considered that supplementary studies might with advantage be made to determine in the case of each proposal the cost of installation, the amount of revenue anticipated and the communications which would regularly be established with other stations.

The Assembly also thought it desirable, before taking a decision as to whether it was necessary for the League to have a short-wave post with a world range at its disposal in times of emergency, to obtain information in regard to the facilities and guarantees which Governments might offer for the retransmission of League communications and also to examine the legal questions involved by the use of the wireless station in times of emergency.

The Assembly noted that, pending the final settlement of the question, the Swiss Government proposed to establish near Geneva the medium-wave length post contemplated in its offer. The Swiss Government did not, however, see its way to apply to this post—which it intended to set up in any case—the terms of its offer relating to the medium-length post and the short-length post, the costs of which would be borne by the League. It declared, nevertheless, that it would recommend the Federal Council to conclude with the League a *modus vivendi* which would effectively ensure the full freedom of the League's communications both in peace and in war.

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In virtue of a Council resolution dated December 12th, 1925, the League Secretariat has issued a publication entitled "Systematic Survey of the Arbitration Conventions and Treaties of Mutual Security deposited with the League of Nations"; the Assembly, recognising the importance of the documentation thus collected and of the maps and graphs which the Secretariat contemplated drawing up, passed a

special resolution requesting the Governments to co-operate with a view to facilitating this work.

*Council Resolutions.* — Immediately after the close of the Assembly, the Council, on September 26th, took the necessary steps to give effect to these resolutions. It instructed the Secretary-General :

- (1) To communicate the General Act and the three model Bilateral Conventions on Conciliation, Arbitration and Judicial Settlement to all the States Members of the League and to Afghanistan, Brazil, Costa Rica, the United States, Egypt, Ecuador, Mexico, the Union of Socialist Soviet Republics and Turkey;
- (2) To communicate the Assembly resolution concerning the acceptance of the compulsory jurisdiction of the Permanent Court to States which have not yet acceded to this clause, requesting them to intimate their intentions in the matter and to communicate at the same time the questions of international law the elucidation of which would, in their opinion, facilitate their accession;
- (3) To communicate to States Members or non-members of the League the model Treaties of Non-Aggression and Mutual Assistance;
- (4) To inform all States Members that the Council is prepared to place at the disposal of the States concerned the good offices which they may be willing to accept voluntarily in the conditions set forth by the Assembly.

The Council further took note of the Assembly resolution concerning the work of the Arbitration and Security Committee on Articles 10, 11 and 16 of the Covenant and adopted the studies in question as a useful piece of work providing valuable indications as to the possibilities offered by the different articles of the Covenant and the way in which they may be applied.

## II. REDUCTION OF ARMAMENTS.

The Preparatory Commission for the Disarmament Conference, of which M. Loudon (Netherlands) is President, held two sessions during the past year, in November-December 1927, and in March 1928, respectively.

### *I. Meeting of the Preparatory Commission.*

The first of these sessions was devoted almost exclusively to the setting-up of the Arbitration and Security Committee, whose work is described above, and to a preliminary exchange of views on a proposal submitted by M. Litvinoff (Union of Socialist Soviet Republics), who was taking part for the first time in the Commission's work.

The second session, to which Turkey sent a delegation for the first time, was devoted to an examination of the progress of the work and of the draft general disarmament convention submitted by the Soviet delegation in the interval between the sessions.

The following analysis deals mainly with the proceedings of the second session.

(a) *Progress of the Work.* — At the first meeting of the Commission on March 15th, the President, M. Loudon, stated that he had so far not received any information to the effect that the differences of opinion between certain Powers in regard to various points of the draft convention adopted last year in first reading had been reconciled so as to enable the Commission to proceed to a second reading.

During the debate, Count Bernstorff urged that the Commission should proceed to its second reading, while several delegates considered that the moment was not yet ripe for

the second reading and that it would be better to wait until an agreement had been reached by the Powers concerned.

The Bureau then submitted a draft resolution, leaving its President free to fix according to circumstances the date at which it would be most useful to convene a new session of the Commission to proceed to the second reading of the draft convention.

Count Bernstorff (Germany) submitted as counter-proposal the following resolution by which the Commission :

Considering that the preparatory technical work for a first step on the road to disarmament is sufficiently advanced for it now to be possible to summon a general Disarmament Conference capable before all else of settling those predominantly political questions which in the present situation impede any initial step towards the realisation of the idea of disarmament;

Recalling that the Assemblies of 1926 and 1927 urged that such a Conference should be held as soon as possible:

Requests the Council, at its next session, to fix for the First General Disarmament Conference a date as early as possible after the ninth ordinary session of the Assembly.

He explained that his object in depositing this resolution was to persuade Governments to make a step forward.

Count Bernstorff's draft resolution, seconded by M. Litvinoff, was rejected by the other members of the Commission, who considered that it was—if not actually contrary to—hardly in accordance with its terms of reference as defined by the Assembly and the Council, and was of a nature to delay its work or compromise the success of the future Disarmament Conference, failing sufficient technical and political preparation. The Commission finally adopted the resolution submitted by the Bureau, Count Bernstorff and M. Litvinoff voting against it.

The President and several delegates emphasised on this occasion that it was necessary that Governments should pursue negotiations rapidly that they might first settle their several differences of opinion. The French delegate informed the Commission that the technical experts of several delegations had begun or continued conversations during the session on these points of difference.

Count Bernstorff then read the following declaration, noting that the Commission had once more been unable either to draw up a programme or to fix the date of the Conference :

The German Government, which has never ceased to press for greater speed in the work for disarmament in conformity with the Covenant and the Treaties, does not desire to be held responsible by the world's public opinion for the fact that this Commission is showing itself constantly less able to fulfil the hopes which were based upon it when the Assembly and the Council entrusted it with a task of such importance and of such weighty responsibility in the eyes of posterity—namely, to prepare for the Disarmament Conference.

He added that he would bring the question before the Assembly, with which rested the final decision, and to which Governments might submit a report on the progress of their negotiations.

At the beginning of the March session, Count Bernstorff submitted to the Commission a series of proposals relating to the application of the final paragraph of Article 8 of the Covenant, which deals with the exchange by Governments of information concerning the scale of their armaments, their military naval and air programmes, and the condition of such of their industries as are adaptable to warlike purposes.

Count Bernstorff emphasised the importance of this obligation, expressing himself as follows :

How can there be perfect confidence between the peoples without one State giving another full and frank information as to the scale of its armaments? How can we achieve national security as long as the States do not possess information in regard to the armaments of other States, which may constitute a menace to their security? How, lastly, can we find a starting-point for any general plan of disarmament unless we know just what armaments exist?

He explained that the object of these proposals was to enlarge and improve the League's *Armaments Year-Book*, recalling that some time before the League had discussed the most suitable method of putting into practice the final paragraph of Article 8.

Count Bernstorff subsequently agreed that these proposals should be examined at the next session of the Commission.

(b) *Drafts submitted by the U. S. S. R.* — At the Preparatory Commission's first meeting, on November 30th, 1927, the first delegate of the Union of Soviet Socialist Republics, M. Litvinoff, read, on behalf of his Government, a statement criticising the work of the League and setting forth the steps taken by the Union as regards disarmament. He then proposed the complete abolition of all land, sea, and air forces, and deposited a scheme for absolute and universal disarmament within a maximum period of four years.

He added that the Soviet delegation was ready to take part in any and every discussion on practical measures of disarmament and was prepared to sign the Convention prohibiting chemical and bacteriological warfare (1).

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(1) The U. S. S. R. instrument of ratification of this Convention was deposited on April 5th, 1928.

The Commission having decided to adjourn to its next session the examination of M. Litvinoff's proposal, the U. S. S. R. delegation forwarded to the Secretary-General a regular draft disarmament convention with a view to the general and complete abolition of all armed forces within a period of four years.

Explaining this draft on March 19th, 1928, M. Litvinoff declared that, in his view, the only satisfactory solution for the problem of general security and peace lay in general, simultaneous and complete disarmament.

Count Bernstorff (Germany), while recognising that the League's work on reduction of armaments had hitherto been confined within a much more modest and much narrower scope and had to be based on the Treaties, the Covenant and Assembly resolutions, observed that the Soviet proposal appeared to be in keeping with the spirit of the Commission's work and should tend to give it a fresh impetus.

Tewfik Rouchdy Bey (Turkey) admitted that the Soviet proposals might seem very radical, but added that they showed the importance attached by the Soviets to the ideals of peace and disarmament.

Fifteen other delegates spoke, all of them opposing the U. S. S. R. draft.

The Commission finally adopted by a majority vote (the German and Soviet delegates dissenting) a resolution to the effect that it had examined the bases of the draft convention for immediate, complete and general disarmament submitted by the U. S. S. R., and noted that the immense majority of its members were of opinion that this draft could not be accepted by the Commission as a basis for its work, which must be pursued along the lines already mapped out. M. Litvinoff then submitted a fresh draft convention for a partial reduction of armaments which the Commission decided to bring to the Governments' attention, pending examination at its next session.

*2. The Assembly and the Reduction of Armaments.*

With arbitration and security, the reduction of armaments was one of the principal subjects of discussion at the 1928 Assembly. Of the various speeches made at plenary sessions during the debate on the Council's report, practically all contained some allusion to this problem. The German Chancellor, the Foreign Minister of France, the Acting Foreign Minister of Great Britain, and the first delegates of Hungary, the Netherlands, Sweden, Belgium, Switzerland, Poland and Finland all took this opportunity of defining their Governments' attitude towards the question.

Some twenty delegates referred to the Pact for the Renunciation of War, signed a week earlier in Paris, as an important step forward in the work of peace and disarmament.

The Third Assembly Committee, which deals specially with questions relating to the reduction of armaments, discussed the matter at great length.

The discussion showed that there existed a unanimous desire for the work of disarmament to be carried through as rapidly as possible. Nevertheless, various delegations drew attention to the manifold difficulties which must inevitably attend a task of such wide scope. They pointed out, however, that, notwithstanding these difficulties, the general situation was tending to develop on the lines laid down in Article 8 of the Covenant, many States having already spontaneously reduced their armaments to a considerable extent. Other delegations expressed the view that the progress of the preparatory work and the results hitherto achieved could hardly be regarded as satisfactory.

The Assembly finally adopted a resolution, the preamble to which may be quoted as showing the connection established

by the Assembly between the problem of security and that of disarmament :

Whereas a close connection exists between international security and the reduction and limitation of armaments;

And whereas the present conditions of security set up by the Covenant of the League of Nations, by the Treaties of Peace, and in particular by the reductions in the armaments of certain countries under these Treaties, and also by the Locarno Agreements, would allow of the conclusion at the present time of a first General Convention for the Reduction and Limitation of Armaments;

And whereas those Governments which consider that their security is not sufficiently assured are now, thanks to the work of the Committee on Arbitration and Security, in possession of fresh means for strengthening their security, of which it is to be hoped that they will make use at need, by having recourse to the good offices of the Council;

And whereas the Convention for the Reduction and Limitation of Armaments will increase international security;

And whereas it is desirable that the work of the Preparatory Commission for the Disarmament Conference and of the Committee on Arbitration and Security shall be pursued so that, by further steps, armaments may be progressively reduced as the increase of security allows...

This is followed by the actual resolution, by which the Assembly :

Urges the necessity for accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible; notes with satisfaction the efforts of certain Governments to prepare the ground for the future work of the Preparatory Commission; earnestly hopes that the Governments among which differences of opinion still subsist as to the conditions for the reduction and limitation of armaments will seek, without delay, in the most liberal spirit of conciliation and international

solidarity, agreed solutions which will enable the work of the Preparatory Commission to be brought to a successful issue;

and lastly,

proposes to the Council that the President of the Preparatory Commission be instructed to keep in contact with the Governments concerned so that he may be apprised of the progress of their negotiations and may be able to convene the Commission at the end of the present year or, in any case, at the beginning of 1929.

This resolution marks the culmination of a thorough study of the many aspects of the problem. The Third Committee, by which it was framed, had before it two draft resolutions, one submitted by the French delegation, the other by the German delegation. In the report submitted, these resolutions were analysed as follows :

Both drafts referred to the close connection existing between international security and the reduction and limitation of armaments, and both stated that the present conditions of security were such as to allow of a first step being taken towards disarmament. In the French delegation's proposal, however, it was considered essential that the efforts of the Governments concerned to remove the technical differences which had hitherto hampered the work of the Preparatory Commission should be pursued and completed before the Commission was summoned, so as to enable the latter to meet with the best prospects of final success. Accordingly, the Council was requested in this draft to make an earnest appeal to Governments to seek agreed solutions which would enable the work of the Preparatory Commission to be speedily resumed and brought to a successful issue. The draft concluded by proposing that the Assembly should express the hope that these solutions might be arrived at in sufficient time to enable the Commission to meet at the end of 1928 or, should this not be feasible, at the beginning of 1929.

On the other hand, the German delegation's proposal, while recognising the importance and desirability of direct negotiations between the Governments concerned, expressed the opinion that, in the event of the failure of such negotiations, the Conference for the Limitation and Reduction of Armaments should itself decide any questions which still had to be settled. According to this draft, the Assembly was therefore to request the Council to fix a date in 1929 for the meeting of the Conference, while leaving it to the President of the Preparatory Commission to convene the Commission at such time as would enable the programme of the Conference to be drawn up.

The Third Committee succeeded in reconciling the different points of view to a considerable extent. M. Benes noted in his report that "the Committee was unanimous in recognising that the present situation was such as to allow of definite results being obtained in connection with a first step towards the reduction and limitation of armaments"; the Committee considered that the general political situation was continually improving and that the various difficulties which had hitherto held up the work of the Preparatory Commission were beginning to diminish. Both the Committee and the Assembly, however, thought that no definite date should be given for the next meeting of the Preparatory Commission, but they unanimously recommended that a meeting should take place at the end of 1928 or in any case at the beginning of 1929.

With regard to the convening of the Conference for the Limitation and Reduction of Armaments, M. Benes said that that the general impression in the Third Committee was that the Preparatory Commission, at the close of its next session, would certainly think it desirable to make a general report to the Council on the possibilities of the First General Conference and the date on which it might be held.

The Third Committee, finally, clearly emphasised that the work of the Preparatory Commission and of the Arbitration and Security Committee would have to be "systematically pursued so as to render possible at later stages the gradual limitation and reduction of armaments in proportion to the growth of security".

The German and Hungarian delegations abstained from voting on this resolution, explaining their reasons in statements to the Assembly.

The Hungarian delegate, general Tanczos, said that the resolution contained no allusion as to the convening of the First Conference for the Reduction and Limitation of Armaments, and, in these circumstances, the present humiliating position of Hungary as a country unilaterally disarmed ran the risk of being indefinitely prolonged.

Count Bernstorff (Germany), in a speech setting forth Germany's views on the question of disarmament, also protested against the failure to fix a date for the First Conference for the Reduction and Limitation of Armaments, despite the fact that, in his opinion, the present political situation made this immediately possible. He added that the German delegation was prepared to continue to co-operate loyally in the work of the Preparatory Commission.

In execution of the Assembly resolution, the Council, on September 26th, instructed the President of the Preparatory Commission to keep in contact with the Governments concerned so as to be apprised of the progress of their negotiations and to be able to convene the Commission at the end of 1928 or, in any case, at the beginning of 1929.

### *3. Supervision of the Private Manufacture and Publicity for the Manufacture of Arms.*

Some progress was made at the session of August 1928 of the special Commission studying this question, in that all

the members agreed as to the principle of the extension of publicity to Government manufacture. Agreement was not reached, however, as regards the actual extent of such publicity. The Assembly, after examining the situation, decided that it was essential to arrive at a single text, and accordingly invited the Council to make an immediate appeal to the Governments represented on the Special Commission, with a view to eliminating such differences of opinion as still existed.

In pursuance of this recommendation, the Council, on September 26th, appealed to the Governments concerned and instructed Count Bernstorff, Chairman of the Special Commission, to convene another meeting of that body before the December session of the Council.

4. *Composition of the Preparatory Commission for the Disarmament Conference and of the Special Commission on the Private Manufacture of Arms, etc.*

Following the elections of September 10th, the Council, on September 21st, made certain changes in the composition of these two bodies :

(a) *Preparatory Commission for the Disarmament Conference.* — The Council invited two of its newly elected members, Persia and Venezuela, to send representatives to the Preparatory Commission. It invited China and Colombia, two of its retiring Members, to continue to take part in the Commission's work. No special decision was necessary as regards Spain and the Netherlands, which had been represented on the Commission since the beginning.

(b) *Special Commission on the Private Manufacture of Arms, etc.* — The Council decided that its three retiring Members — China, Colombia and the Netherlands — should

continue to sit on the Special Commission. The three newly elected Members—Spain, Persia and Venezuela—are represented *ipso facto* on the Committee.

### III. RIGHT OF INVESTIGATION.

#### *End of the Inter-Allied Military Control in Bulgaria.*

The President of the Conference of Ambassadors notified the Secretary-General, in January 1928, of the conclusion of the operations of the Liquidation Board to which the Conference had entrusted the duty of securing the continued enforcement of the military clauses of the Treaty of Neuilly after the termination of the work of the Commission of Control established under Articles 94 and following of that Treaty.

### IV. THE SZENT-GOTTHARD STATION INCIDENT.

Requests for consideration by the Council of the incident which occurred on January 1st, 1928, at the Szent-Gotthard railway station on the Austro-Hungarian frontier were received by the Secretary-General in three letters dated February 1st, 1928, from the Czechoslovak, Roumanian and Serb-Croat-Slovene Governments. The matter concerned the discovery of war material (machine-gun parts), travelling under a false declaration, in five wagons of Italian origin which, after passing in transit through Austria, had entered Hungarian territory.

The Governments attached to their requests a memorandum in which they pointed out that the consignment was not intended for Czechoslovakia, that the Polish Government had formally stated that it was not intended for Poland, that Berkovics Bros., given as consignee in the waybills, was a Hungarian firm, the owners residing in Hungarian territory, and that, in these circumstances, the question arose whether

it was intended that the consignment should remain within Hungarian territory or not.

In their letters, the three Governments referred to the Treaty of Trianon and to the decisions of the Council governing the exercise of the right of investigation provided for under the military clauses of the Peace Treaties.

The question was placed on the agenda of the March Council session. In the interval before the session, the Hungarian Government announced in the Press that the confiscated material would be sold by auction. On February 23rd, the President of the Council, M. Tcheng Loh (China), sent a telegram through the Secretary-General to the Hungarian Government, with the friendly and courteous advice that it "would be prudent to suspend this action, as the matter is shortly to be considered by the Council". The Hungarian Government replied that, as the auction was to be held under the supervision of the competent judicial authorities, postponement was impossible, but that "as a matter of personal courtesy to the President of the Council", the Hungarian Government would "ask the purchasers not to remove their purchase".

#### *1. Examination by the Council : Constitution of the Committee.*

The Council considered the matter on March 7th, 1928. The representatives of the Czechoslovak and Serb-Croat-Slovene Governments and of the Hungarian Government were invited to attend the meeting, to give any information that might be required. M. Titulesco (Roumania) stated, on behalf of the three Governments which had submitted the matter to the Council, that these Governments did not regard it as a matter of special concern to them, but as a question of general importance which should be settled, taking into consideration the respect for treaties and the rights and duties of the Council.

General Tanczos (Hungary), who had previously communicated a voluminous dossier to the Council, declared that the execution of measures against Hungary under these conditions would hardly be likely to improve her relations with her neighbours. He doubted, moreover, whether Article 143 of the Treaty of Trianon, which gave the Council the right to carry out investigations in Hungary, could be applied to the present case.

The Council decided to appoint a Committee, composed of the Netherlands, Chilian and Finnish representatives, to study the documents and present a report at its June session.

## *2. The Committee's Work and Report : The Council Resolution.*

The Committee obtained supplementary information from the Hungarian Government on certain points which still seemed to it obscure and sent two small-arms experts to Szent-Gotthard to examine the material and draw up an inventory. It caused the incident and the procedure followed by the various authorities involved to be examined by two experts in railway traffic, Customs and forwarding formalities. Finally, it proceeded, in conjunction with all these experts, to examine all the documents.

The report, which was presented on June 7th, concluded as follows :

The Committee feels bound to express its deep regret at finding itself confronted with an attempt to effect the clandestine transport of war material. Although the consignment in question may not have been of great military importance, the Committee cannot omit to point out the grave dangers to good understanding and mutual confidence between nations which are involved by any clandestine traffic in arms. The incident affords striking evidence of the immense importance, for the establishment of mutual confidence between States, and consequently

for the consolidation of peace, of an early ratification of the Convention on the Control of Trade in Arms, concluded under the auspices of the League of Nations.

As regards the Hungarian Government in particular, the unlawful presence of war material in its territories would appear to acquire special importance from the fact that, in regard to the trade in arms, the Hungarian Government is under obligations arising from the Treaty of Trianon. It may be pointed out that the request for the insertion of this matter in the agenda of the Council was actually made with reference to the rules in force for the exercise of the right of investigation by the League of Nations, as provided in Article 143 of that Treaty.

The Hungarian Government has considered the incident in question exclusively from the standpoint of railway and Customs regulations. The Hungarian authorities complied with the provisions of those regulations. The Hungarian Government does not appear ever to have thought it necessary to consider the question of the final destination of this war material. It believed that it was sufficiently complying with its obligations under the Treaty of Trianon by ordering the material in question to be rendered unserviceable as war material, which was done. The final destination of the material is not apparent from the information which the Committee has been able to obtain, acting within the limits of its powers. On the other hand, that information furnishes no evidence that this material was intended to remain in Hungarian territory.

During the Council's examination of this report, several representatives made statements in the nature of explanations or commentaries on the resolution finally adopted by the Council.

M. Veverka (Czechoslovakia) stated that he regretted that the Committee had not been able to shed entire light on certain points which seemed to him of the first importance, particularly that of the final destination of the war material discovered at Szent-Gotthard. "It is obvious", he added,

"that any first step in a new field taken by the League of Nations serves as an important example for the future work of the League in the same field. If the League of Nations were condemned to remain inactive in this field, the confidence between States and their feeling of security would certainly not be increased."

M. Fotitch (Kingdom of the Serbs, Croats and Slovenes) said that he also regretted that, in spite of the Committee's efforts to clear up this affair, the report threw no light on several very important points, and its conclusions did not remove the anxiety felt by the Governments concerned in regard to the execution by Hungary of her obligations in the matter of disarmament.

M. Antoniade (Roumania) said that he entirely agreed with the observations made by his colleagues of Czechoslovakia and the Kingdom of the Serbs, Croats and Slovenes.

M. Paul-Boncour (France) pointed out that it should not be argued from the insufficiency of the results of the enquiry that the League's right of investigation had been shown to be powerless, because no investigation had taken place. He then explained the reasons why, in his opinion, the consignment of arms seized at Szent-Gotthard was of very great military value. He thought that the procedure chosen by the Council was not likely to afford the necessary guarantees and he reminded the Council of the existence of the procedure laid down in the regulations of 1926 regarding the exercise of its right of investigation, a right which could be supplemented by conservatory measures.

M. Beelaerts van Blokland (Netherlands), Chairman of the Committee of Three, pointed out that the Committee's task was merely to compile a dossier that should be as complete as possible to enable the Council to form an opinion on the matter.

Sir Austen Chamberlain (British Empire) stated that the result of the procedure which the Council had adopted in

this case was not satisfactory to anyone; if another incident arose, the Council would have to seek means more efficacious than those which had been chosen on this occasion.

M. von Schubert (Germany) stated that the partial failure of investigation proceedings in a particular case did not give ground for doubting the value and effectiveness of this procedure. He added that, in his opinion, too wide conclusions had been drawn in many quarters from the Szent-Gotthard incident and that this incident did not contain any element that might be considered as an obstacle to the beginning of general disarmament.

The Council finally adopted a resolution in which, after taking note of the report submitted by the Committee of Three, it—

regretted that the Hungarian Government had considered the incident which occurred on January 1st, 1928, at the Szent-Gotthard railway-station exclusively from the stand-point of railway and Customs regulations, without having thought it necessary to concern itself with the question of the final destination of this war material, although its presence, under a false declaration, on Hungarian territory acquired special importance from the fact that, in regard to the trade in arms, Hungary was under obligations arising from the Treaty of Trianon;

Noted with regret that, in the present circumstances, it had been impossible to determine this final destination. It was, however, convinced that the discussions had sufficiently shown the Council's view of the gravity of this incident and the importance it attached to such incidents not recurring;

Drew attention to the fact that every Member of the Council had the right to request an extraordinary meeting of the Council, and that the latter had authority to order immediate investigation in virtue of the rules in force for the exercise of the right of investigation, which rules the

Took this opportunity of emphasising the importance, for the establishment of mutual confidence between States and consequently for the consolidation of peace, of an early ratification of the Convention on the Control of the Trade in Arms concluded under the auspices of the League of Nations.

The representative of Hungary accepted this resolution.

*3. Measures to preserve the Status quo.*

The Council also adopted, in accordance with another report of the Committee of Three, a resolution relating to measures to preserve the *status quo* in cases of this nature and in the case of disputes placed on its agenda in virtue of Article 11 (paragraph 2) or other Articles of the Covenant, such as Articles 13 or 15 (measures designed to ensure the execution of arbitral awards, disputes likely to lead to a rupture).

Under the terms of the Council resolution, "the Secretary-General shall immediately communicate with the interested parties", directing their attention to the following clause of the resolution :

The Council considers that, when a question has been submitted for its examination, it is extremely desirable that the Governments concerned should take whatever steps may be necessary or useful to prevent anything occurring in their respective territories which might prejudice the examination or settlement of the question by the Council.

The Secretary-General was also instructed to request the States concerned, in the name of the Council, to forward their replies to him without delay and to inform him of the steps taken.

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## CHAPTER III.

# THE PERMANENT COURT OF INTERNATIONAL JUSTICE

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*Conditions for the Vote of the Council when requesting Advisory Opinions. — Question of the Revision of the Statute. — Compulsory Jurisdiction of the Court. — Extension of its Jurisdiction. — Composition of the Court. — Work of the Court. — Judgments and Opinions : Jurisdiction of the European Commission of the Danube. — Jurisdiction of the Danzig Courts. — German Minority Schools in Polish Upper Silesia. — Greco-Turkish Agreement of December 1st, 1926. — The Case of the Factory at Chorzow.*

Three questions, important from the point of view of the development and the work of the Court, arose during the Assembly session of September 1928. One of these concerns the conditions for the vote of the Council (or the Assembly) when requesting an advisory opinion, the second the examination of the Statute of the Court with a view to possible revision, the third the compulsory jurisdiction of the Court.

In September also, the Assembly, voting simultaneously with the Council, elected Mr. Charles Evans Hughes to succeed on the Court Bench Mr. John Bassett Moore, who had resigned.

The Permanent Court sat almost without interruption all through the year.

### I. CONDITIONS FOR THE VOTE OF THE COUNCIL WHEN REQUESTING AN ADVISORY OPINION.

During the general discussion on the Council's report to the Assembly, M. Motta, first delegate of Switzerland, raised

the question of the conditions under which the Council (or the Assembly) can apply to the Court for an advisory opinion. In his opinion, "the Covenant could easily be interpreted so as to support the principle, which is both wise and sound", that a simple majority vote was sufficient. He proposed that the Assembly should invite the Council to seek the Court's opinion on this point.

After the question had been thoroughly discussed, the Swiss delegation withdrew its proposal that the Court's advice should be sought and the Assembly adopted a resolution expressing the desire that :

... when circumstances permit, the Council may have a study made of the question whether the Council or the Assembly may, by a simple majority, ask for an advisory opinion within the meaning of Article 14 of the Covenant of the League of Nations.

In his verbal report to the Assembly, M. Burckhardt (Switzerland) made the following statement concerning the views expressed on the Swiss proposal in the First Assembly Committee, which deals with legal and constitutional questions :

The Swiss proposal was supported by various delegations, but also encountered a number of objections. Certain delegations considered that it was inopportune at the moment, that the idea of asking the Court itself for an advisory opinion on the interpretation of an article of the Covenant was attended by drawbacks (the contingency might always arise of some States refusing to accept the interpretation given by the Court), that it might perhaps be preferable to leave the Assembly and Council themselves to reply to this question by building up a careful system of jurisprudence. Moreover, it appeared that opinions as to the meaning of Article 5 of the Covenant (which provides that all matters of procedure at meetings of the Assembly or of the Council may be decided by a majority) were very divergent.

Some held that an advisory opinion might be requested by a majority vote in all cases connected with conciliation procedure; others maintained that it should only be permitted when the question submitted to the Court was itself a question of procedure and not of substance; others, again, considered that the answer must depend on the procedure adopted by the Court when giving its opinion; lastly, it was asked what was the connection between this question and the question whether and in what cases the votes of the States concerned should be included...

The general impression was that the question was an important one which needed to be cleared up; that, if the present moment appeared to the Council to be inopportune, it would nevertheless be unwise to postpone the examination of the question indefinitely; and that, if it were not thought advisable to submit the matter to the Court for its opinion, some other method might be chosen (1).

## II. QUESTION OF THE POSSIBLE REVISION OF THE STATUTE OF THE COURT.

On the proposal of the French delegation, supported by some twenty other delegations, the Assembly decided to draw "the Council's attention to the advisability of proceeding, before the renewal of the terms of office of the members

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(1) The Conference of States signatories of the Statute of the Court which met at Geneva in September 1926 to examine the reservations and conditions laid down by the United States Government in regard to its accession had already had to deal with this question. One of the conditions read ". . . . nor shall it (the Court), without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest."

The Final act declared that the Conference understood "the object of the United States"—in formulating this resolution—"to be to assure to itself a position of equality with States represented either on the Council or in the Assembly of the League of Nations". The Conference declared further that it accepted this principle, but pointed out that the reservation in question "appears to rest upon the presumption that the adoption of a request for an advisory opinion by the Council or Assembly requires a unanimous vote"—a presumption not yet established.

of the Permanent Court of International Justice, to the examination of the Statute of the Court with a view to the introduction of such amendments as may be judged desirable, and to submitting the necessary proposals to the next ordinary session of the Assembly".

When presenting the resolution to the Assembly, the rapporteur, M. Cassin (France), gave the following explanations concerning the meaning and scope of the resolution :

Since its adoption on December 13th, 1920, the Statute, which had been very carefully prepared, has not been amended in the slightest particular—unlike the Rules of Court, which were revised in 1926.

We have now reached the year 1928, and the Permanent Court of International Justice has been established for several years. It has given a number of judgments; it has given weighty advisory opinions on a great variety of questions concerning many different nations. Its scope of action, at first small, has gradually been extended, and the number of cases submitted to it is on the increase. In other words, the Statute of the Court, taken as a whole, has proved its usefulness, but it is now being subjected to effective and repeated tests.

Now, after eight years have elapsed, the First Committee was unanimously of the opinion that it would be useful to do as regards the Statute just what the Court itself has already done as regards its Rules, namely, to consider carefully, dispassionately and with infinite caution whether it may not be expedient to modify or amend certain of the sixty-four Articles of which the Statute is composed.

An examination appears all the more expedient because, in 1930, it will be necessary to renew the term of office of the members of the Court. It would be undesirable for any examination of the Statute to coincide with that event and still more undesirable that it should take place immediately after the elections.

In the interests of the States entitled to appear before the Court, and in order to avoid any suggestion of personal issues, the Committee thought it desirable, and the Assembly will doubtless share its view, to propose that the Statute of the Court should be examined in 1929, so that any amendments deemed advisable may be adopted before the 1930 elections.

### III. COMPULSORY JURISDICTION OF THE COURT : EXTENSION OF ITS JURISDICTION.

Both the Assembly and the Arbitration and Security Committee (1) considered means whereby the greatest possible number of States might be brought to accept as fully as possible the compulsory jurisdiction of the Court, which is open to any State by accession to the Optional Clause of the Court Statute relating to compulsory jurisdiction. The Assembly passed a recommendation urging the States to adopt this course (1).

During the past year, two States, Spain and Hungary—the latter subject to ratification—signed the Optional Clause. Germany deposited the instrument for its ratification. Sixteen States are at present bound by the clause, namely, Abyssinia, Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, Germany, Haiti, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and Uruguay. Thirteen other States have signed the clause, but cannot be considered as bound by it, either because they have not yet deposited the instruments of ratification—after making their signature explicitly conditional on this formality—or because they have not yet ratified the Protocol of Signature of the Court Statute, or because the period covered by their ratification has now expired.

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(1) See above, Chapter II—"Arbitration, Security and the Reduction of Armaments"

Nine conventions or treaties of various kinds (conciliation and judicial settlement, commerce and navigation, abolition of import and export restrictions, etc.), concluded from October 1927 to May 1928 contain provisions conferring certain powers on the Court (1).

Similarly, a number of Acts relating to international law communicated to the Court between June 15th, 1927, and June 15th, 1928, entrust certain duties to the Court and to its President, such as the nomination of arbitrators and experts. These Acts are for the most part agreements for the pacific settlement of international disputes, or commercial treaties.

#### IV. COMPOSITION OF THE COURT.

Two important changes occurred in the composition of the Court, one owing to the resignation of a Judge, the other to a death.

On April 11th, 1928, Mr. John Bassett Moore (American), member of the Court since the first election of judges in September 1921, tendered his resignation, in order to devote himself "to the publication..... of a voluminous collection of all international arbitrations, ancient and modern" (2).

The Council having decided to accept Mr. Moore's resignation conditionally and subject to the Assembly's approval, the Secretary-General, at the beginning of May, invited the national groups to nominate candidates through the Governments, in conformity with the Court Statute.

On September 8th, the Assembly and Council, voting simultaneously, elected to succeed Mr. John Bassett Moore

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(1) Up to June 15th, 1928, 250 clauses of this kind had been collected by the Registry of the Court.

(2) Extract from the letter of resignation sent by Mr. John Bassett Moore to the Secretary-General of the League.

(whose resignation was accepted) Mr. Charles Evans Hughes, former Secretary of State and former Justice of the United States Supreme Court, who had been nominated by thirty national groups.

The death occurred a few days previously of M. André Weiss (France), Vice-President of the Court. M. Weiss was elected a member of the Court at the first election of Judges in 1921 and held office as Vice-President from that date until his death. His successor will be elected at the tenth session of the Assembly in 1929.

The President of the Court is now M. Anzilotti (Italy), who succeeded M. Max Huber (Switzerland) on December 6th, 1927, and will remain in office until 1930. On the death of M. André Weiss, M. Huber was elected Vice-President.

#### V. WORK OF THE COURT : JUDGMENTS AND OPINIONS.

The ordinary session of the Court, which opened on June 15th, 1927, closed on December 16th, 1927, and was followed by an extraordinary session from February 6th to April 26th, 1928. The ordinary session which opened on June 15th, 1928, closed on September 13th.

From September 1st, 1927, to September 30th, 1928, the Court dealt with the following cases (1) : (a) the jurisdiction of the European Commission of the Danube; (b) the jurisdiction of the Danzig Courts; (c) German minority schools in Polish Upper Silesia; (d) the Greco-Turkish Agreement of December 1st, 1926; (e) the Chorzow factory.

Of these cases, three [(a), (b), (d)] were referred to the Court by the Council for an advisory opinion, while two

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(1) *The League of Nations from Year to Year (1926-1927)* contains a summary of the Court's decision (October 10th, 1927) in the case relating to the adaptation of the Mavromatis Concessions in Palestine : the case will accordingly not be dealt with in the present issue.

[(c), (e)] were submitted for judgment. In three cases (jurisdiction of Danzig Courts, minority schools in Upper Silesia, Chorzow factory), the States concerned (Germany, Poland, Danzig), none of which were represented by nationals on the Court Bench, exercised the right laid down in the Statute to nominate one of their nationals to sit as judge *ad hoc*. In the case of the Greco-Turkish Agreement, Greece and Turkey, neither of whom had nationals among the judges, renounced this right.

Below will be found an account of these cases, with the judgments and opinions given by the Court.

#### *1. Jurisdiction of the European Commission of the Danube (1).*

On December 8th, 1927, the Court delivered an opinion declaring :

(a) That, under the law at present in force, the European Commission of the Danube has the same powers on the maritime sector of the Danube from Galatz to Braila as on the sector below Galatz; that these powers extend up to the port of Braila, this port being included;

(b) That the powers of the European Commission of the Danube extend over the whole of the maritime Danube, and are not excluded from zones territorially defined and corresponding to harbour zones;

That the dividing line between the respective competences of the European Commission of the Danube and of the Roumanian authorities in the ports of Galatz and Braila is to be fixed according to the criteria :

Of navigation, in the sense of the movement of ships as part of their voyage, the European Commis-

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(1) An account of this case having been given in *The League of Nations from Year to Year (1926-1927)*, pages 49-52, only the terms of the Court's advisory opinion are given here.

sion of the Danube being also competent in regard to navigation in ports, whether the ships are passing through or coming to or leaving their moorings, as far as navigation so understood is concerned; and

Of the obligation to ensure freedom of navigation and equal treatment of all flags, the European Commission of the Danube being competent, also as concerns the ports, to exercise the supervision inherent in this obligation.

The above opinion was given by a majority of nine votes to one, M. Negulesco dissenting.

## *2. Jurisdiction of the Danzig Courts.*

The Court gave its opinion on this question on March 3rd, 1928 :

The circumstances which led up to the Council's request for an opinion were as follows : A Convention concluded at Paris on November 9th, 1920, between Poland and Danzig laid down that, following the transfer of the railways of the Free City to the Polish administration, questions concerning the rights and obligations of Danzig employees transferred to the Polish service should be settled by agreement between Poland and the Free City, and, failing such agreement, by a decision of the League High Commissioner at Danzig. On October 22nd, 1921, a final agreement was concluded between the parties, after the questions in dispute between them had formed the subject of decisions by the High Commissioner, who laid down amongst other things that all disputes relating to the Polish Administration of Railways in the territory of Danzig were subject to the civil and criminal jurisdiction of the Free City's courts. These decisions and the subsequent agreement were recognised by the parties as entering into full effect on December 1st. In 1925, certain Danzig officials who had entered the Polish service brought actions against the Polish Administration before the Danzig

Courts, relying on the terms of the above-mentioned Agreement of October 22nd, 1921. The defendants filed a plea to the jurisdiction on the ground that the Agreement did not afford a basis for such actions, but the plea was overruled; whereupon the Polish Government declared that, by entertaining these suits, the Danzig Courts had contravened the treaty law in force and refused to comply with judgments given by those Courts. Negotiations ensued, and the League High Commissioner was requested by the Free City to give a decision, which he did on April 8th, 1927. The first part of the decision was that Poland's argument, according to which the Danzig Courts were not competent to entertain actions relating to pecuniary claims brought against the Polish Railways Administration by members of its staff transferred from the Danzig to the Polish service, was untenable. In the second part of his decision, however, the High Commissioner added that the Danzig Courts had no jurisdiction in cases where actions were based on the Agreement of October 22nd, 1921; thus on this second point he decided against the Free City.

The first part of the High Commissioner's decision was accepted both by Poland and Danzig; but the second was not accepted by the Senate of the Free City, and the latter appealed to the Council, which asked the Court to say whether the High Commissioner's decision impeached by the Free City—in so far as it did not comply with Danzig's request—was legally well founded.

The Court was of opinion that the agreement did form part of the contract of service of the officials concerned, that the latter were entitled to bring actions based upon it before the Danzig Courts and that judgments given in such cases must be accepted and complied with by the Polish Railways Administration. This conclusion did not affect the right conferred on Poland to have recourse to international procedure if she could adduce that the Danzig Courts had exceeded their jurisdiction or violated rules of international law.

Thus, in the Court's opinion, the High Commissioner's decision, which had been impeached, was not legally well founded.

The Court's opinion was unanimously adopted by all judges present, including the Polish national judge and the judge appointed by Danzig.

### *3. German Minority Schools in Polish Upper Silesia.*

The Court gave judgment on April 26th, 1928, in this case, which had been submitted by the German Government (1). The German Government's application was based on Article 72 of the German-Polish Convention on Upper Silesia, by which Poland agreed that any dispute as to questions of law or fact arising out of the preceding articles would, if the other Party so desired, be referred to the Permanent Court.

The application, in the Court's opinion, comprised the following three contentions :

(a) Articles 74, 106 and 131 (2) of the Geneva Convention establish the unfettered liberty of any person to declare, according to his own conscience and on his own personal responsibility, that he does or does not belong to a racial, linguistic or religious minority, subject to no verification, dispute, pressure or hindrance in any form whatsoever on the part of the authorities.

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(1) For the conditions under which the German Government submitted the case, see below, Chapter on the Protection of Minorities, page 190. The origins of the case are described in *The League of Nations from Year to Year (1926-1927)*, pages 120-124.

(2) According to Articles 106 and 131, minority schools were to be created, and to these schools children were to be admitted whose language—according to declarations to be made by persons responsible for their education—was a minority language. The authorities were to abstain from any verification or dispute as to the veracity of the declarations of the responsible persons; the same prohibitions applied, according to Article 74, to the question whether a person did or did not belong to a minority.

(b) The above-mentioned Articles also establish the unfettered liberty of any person to choose the language of instruction and the corresponding school for the pupil or child for whose education he is responsible—likewise subject to no verification, dispute, pressure or hindrance in any form whatsoever on the part of the authorities.

(c) Any measure singling out the minority schools to their detriment is incompatible with the equal treatment granted by the Convention.

The Polish Government asked the Court to dismiss the German Government's claim, or to give an interpretation of the articles mentioned differing from that set forth in the German contentions. Poland maintained, further, that Article 69 of the Convention should be taken into consideration on the same footing as the Articles invoked in support of the German Government's first two contentions. The Polish Government submitted that the Court had no jurisdiction in the case, and that a *fin de non-recevoir* should be opposed to the application, but the Court overruled both objections.

In its judgment, which was not in conformity with the contentions of either of the parties, but tended rather to support the Polish Government's view, the Court dealt in the first place with the difference of opinion between Germany and Poland as to the point whether membership of a linguistic minority is a question of intention or fact. The Court considered that Poland was justified in construing the provisions of the Convention relating to Upper Silesia as though it were a question of a point of fact; but it added that there were a great number of cases to be found, particularly in Upper Silesia, where the answer to this question could not readily be deduced from the facts alone. That, in the opinion of the Court, was perhaps the reason why the Convention, whilst requiring declarations in conformity with the *de facto* situation, prohibited all verification or dispute

as to the veracity of these declarations. The Court realised the difficulties to which this interpretation might give rise; but it considered that the parties clearly preferred this state of affairs to that which would arise if the authorities were empowered to verify or dispute the veracity of the declarations.

Similarly, in regard to the second contention that could be inferred from the submissions of the German Government—namely, the freedom to choose the language of instruction—the Court was of opinion that the Polish Government was right in deeming that declarations as to the language of the pupil or child should be mere declarations of fact, and not allow of any freedom of choice. But here again it added that, in appreciating facts, a subjective element may properly be taken into consideration, particularly in cases where the children speak both German and Polish, or else have an insufficient acquaintance with either of these languages.

In regard to a minor point, the Court considered that the Geneva Convention contains nothing contrary to the contention put forward by the Polish Government—but contested by the German Government—namely, that, as a prior condition for the admission of children into existing minority schools, a declaration relating to the mother-tongue of the children must be demanded; in particular, the Court saw nothing in this method contrary to the principle of equal treatment as embodied in the Convention.

Finally, in regard to the third contention that might be inferred from the submission of the German Government, the Court confined itself to stating that there did not appear to be a difference of opinion between the two Governments. Consequently, it was not necessary for it to take any decision.

The judgment of the Court was adopted by eight votes to four. M. Huber, former President, M. Nyholm, Judge, M. Negulesco, Deputy Judge, and M. Schucking, National

Judge, delivered separate opinions. Two of the dissenting Judges (M. Huber and M<sup>o</sup> Negulesco) differed from their colleagues on the question of jurisdiction.

4. *Greco-Turkish Agreement of December 1st, 1926.*

This case was referred to the Court by the Council at the request of the Mixed Commission for the Exchange of Greek and Turkish populations and with the consent of the two Governments concerned.

The Court was asked for an opinion in regard to conditions governing recourse to the arbitration of the President of the Greco-Turkish Mixed Arbitral Tribunal. This recourse is provided for in Article IV of the Final Protocol of the Greco-Turkish Agreement of December 1st, 1926.

The Court, accepting the Greek Government's contention that the States concerned might apply directly to the arbitrator, replied that, in its opinion, the right of determining whether the conditions of Article IV were or were not fulfilled belonged exclusively to the Mixed Commission, which was also competent to bring cases before the arbitrator.

5. *Case of the Chorzow Factory.*

On this case the Court had in previous years taken several decisions (1).

On September 13th, 1928, it delivered a fresh judgment and order.

The Court, in the first place, arrived at the conclusion that, by reason of the attitude adopted by the Polish Government in respect of the *Oberschlesische* and *Bayerische*

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(1) See *The League of Nations from Year to Year (1926-1927)*, pages 43 and 44.

Companies, that Government was under an obligation to pay to the German Government, as reparation, compensation corresponding to the injury sustained by the two Companies; this compensation was to consist, not of two separate sums payable to each of these Companies, but of a lump sum. In the next place, the Court overruled the Polish Government's submissions based on the judgment given by its municipal tribunals in regard to the *Oberschlesische*'s right of ownership, and on Article 256 of the Treaty of Versailles, the aim of which objections and submissions was to establish that in the calculation of the compensation an amount corresponding to all or a part of the injury sustained by that Company should be left out of account.

The Polish Government also prayed the Court to order the handing-over to it by the German Government of all the shares of the *Oberschlesische*, which shares were in the hands of the German Government under a contract concluded with that Company; in the alternative the Polish Government prayed that judgment should be suspended. The Court dismissed both these claims.

Again, the German Government besought the Court to prohibit until June 30th, 1931, any exportation to Germany, the United States of America, France or Italy of Chorzow nitrated lime or nitrate of ammonia, and, in the alternative, to adjudge that the Polish Government should be obliged to cease the exploitation of the Chorzow factory. The Court dismissed these claims, which had no bearing on the injury already sustained, but only on that which might be suffered by the *Bayerische* in the future.

The applicant Government also prayed the Court not to authorise the respondent to set off against the compensation for the injury caused to the two companies certain claims which the respondent might have against Germany. The object of this submission, according to the applicant, was to ensure that in the present case reparation should be really effective. The Court, however, declined to give a decision, pointing out, first, that its jurisdiction is limited to cases specially provided for in treaties and conventions

in force, and, secondly, that it was not called upon to contemplate the contingency of an attempt by one party to avoid compliance with its judgment.

As has already been seen, the Court, having decided in principle that compensation was to be paid, did not fix the amount. The fixing of the amount and of the method of payment was reserved by it for a future judgment to be given when it should be in possession of the data necessary for the decision of these points. With a view to obtaining such data, it made an order referring certain questions to experts who were called upon in their replies to indicate definite figures.

It was accordingly decided that a Committee should be formed of three experts appointed by the President, together with two assessors appointed by the respective parties.

The Court's judgment was given by nine votes to three. Lord Finlay and M. Nyholm, Judges, and M. Rabel and M. Ehrlich, National Judges, appended to the judgment their separate opinions or observations.

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## CHAPTER IV.

### LEGAL AND CONSTITUTIONAL QUESTIONS

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*Progressive Codification of International Law. — Registration of Treaties. — Ratification of Agreements concluded under the Auspices of the League. — Relations between the League and Bodies set up under its Authority. — Legal Assistance for the Poor. — Inauguration of the International Institute for the Unification of Private Law at Rome. — Election of the Non-Permanent Members of the Council.*

The preparation of the First Conference for the Codification of International Law, and the continuation of the work of the Committee of Experts for the Progressive Codification of International Law, were the main features of the League's work in this field.

About three hundred treaties were registered during the year. The Council took steps to hasten as far as possible the ratification of conventions and agreements concluded under the auspices of the League. It defined the principles and rules which should govern relations between the League and the institutes and bodies set up under its authority.

#### I. PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW.

The main items of the programme drawn up by the 1927 Assembly in respect of the Codification of International Law were (1) the preparation of the First Codification Conference to be held either in 1929 or in 1930; and (2) the continuation

of the work of the Committee of Experts for the Progressive Codification of International Law.

The Preparatory Committee for the Codification Conference (1) consists of five jurists : M. Basdevant (France), Chairman; M. François (Netherlands); Sir Cecil Hurst (Great Britain); M. Pilotti (Italy), and M. Carlos Castro Ruiz (Chile).

On each of the three questions to be submitted to the Conference (nationality, territorial waters, responsibility of States), the Committee decided to obtain from States Members and non-members of the League full and precise information on the following subjects :

(a) The state of their positive law, internal and international, with, as fully as possible, details as to bibliography and jurisprudence;

(b) Information derived from their practice at home and abroad;

(c) Other views as regards possible additions to the rules in force, and how to make good existing deficiencies in international law.

The information was to bear on the following points :

*Nationality* : the general principle of international law that the acquisition and loss of nationality fall solely within the domestic jurisdiction of each State; double nationality; effects of the naturalisation of parents on the nationality of minors; nationality of children of unknown parents; cases of double nationality or loss of nationality by a woman as the result of marriage with a foreigner; effects of adoption on the nationality of the adopted child, etc.

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(1) For this Conference, its programme, etc., see *The League of Nations from Year to Year, 1926-27* pages 56 et seq

*Territorial waters* : the nature of the rights possessed by a State over its territorial waters; the extent of such rights; the position as regards territorial waters around islands; straits; demarcation between inland and territorial waters; limitation upon the exercise of the sovereignty of coastal States as regards jurisdiction and fiscal questions, foreign warships in territorial waters.

*Responsibility of States for damage caused on their territory to the person or property of foreigners* : the legal basis of the international responsibility of States as resulting from acts of a legislative, judicial or executive organ; acts of individuals or mobs in riots or insurrections; pecuniary reparation or other compensation for damage, etc.

Governments were asked to send in their replies by October 31st at the latest.

The next session of the Committee will open on January 28th, 1929.

The Committee of Experts for the Progressive Codification of International Law, after examining the replies received from Governments, also decided to recommend to the Council as sufficiently ripe for codification the question of (1) *the Legal Status and Duties of Consuls*, and (2) *the Competence of Courts in regard to Foreign States*.

The Committee decided to submit to Governments a questionnaire concerning *conflicts of laws relating to domicile*, asking them to communicate their observations by April 1st, 1929, at the latest.

Having been instructed by the Council to consider a proposal of the Paraguayan delegation to the 1927 Assembly (1) for the preparation of a general and comprehensive plan for the Codification of International Law, the Committee, on

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(1) See *The League of Nations from Year to Year 1926-1927*, page 58.

the basis of the experience gained, and considering that the work of codification should proceed by stages, decided to uphold the method which it had already adopted and applied.

It added, however, that, if the Council and the Assembly felt that the course suggested by the Paraguayan delegation should be followed, it would seem possible and useful to draw up a systematic survey of the various subjects which the League proposed to include in its scheme of codification, without determining the order in which they might be considered.

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All these questions were considered by the 1928 Assembly. For reasons of economy and internal organisation, it decided that the First Codification Conference should not meet before the beginning of 1930, unless the Disarmament Conference was not held in 1929. In the latter case, the Codification Conference would meet in 1929.

The choice of The Hague as a meeting-place was confirmed, the Netherlands Government having offered, subject to approval by Parliament, to bear a part of the expenses not exceeding 128,500 francs.

As the question of nationality, which is on the agenda of the Conference, is of special interest to women, the Assembly expressed the hope that the Members of the League, when invited to the Conference, would consider the desirability of including women in their delegations.

The Assembly decided to reserve, with a view to subsequent conferences, the two new questions which appeared to the Committee of Experts to be sufficiently ripe for international regulation : namely, the legal position and functions of consuls and the competence of the Courts in regard to foreign States.

Whilst adhering, in accordance with the views of the Committee of Experts, to its decision to make no change in the method of codification laid down in 1924, the Assembly recognised that there would be advantages in indicating the full extent of the subjects which, without prejudging the order to be followed, it was proposed to include in the work of codification. It accordingly asked the Council that a systematic survey might be carried out by a committee of three jurists, to be chosen preferably from the members of the Committee of Experts. It suggested that it would be desirable at the same time to distinguish, if possible, between subjects which should be reserved for the League technical organisations or international conferences already initiated by certain Governments, and subjects which appeared capable of being dealt with by conferences of jurists.

The Assembly emphasised the great immediate practical value of assembling together in the form of a code, according to a methodical classification, the various international conventions, *i.e.*, those open to acceptance by States in general. It asked the Council to refer to the abovementioned committee of three jurists the question of publishing, as an accompaniment to the *Treaty Series* and in the form of a code—of which new editions would from time to time be produced—general conventions with the above mentioned character.

Finally, it recommended that the Committee of Experts should, when it next met, examine whether it would be possible and desirable to endeavour by the procedure of codification to formulate a declaration of the fundamental rights and duties of States.

## II. REGISTRATION OF TREATIES.

From October 1st, 1927, to September 30th, 1928, three hundred and ten international treaties and agreements were

submitted for registration by Members of the League or communicated by other States.

Four treaties were communicated by the United States of America in accordance with the Arrangement concluded in 1926.

As in previous years, the treaties registered dealt with various subjects, namely, arbitration and conciliation; regulation of the liquor traffic; narcotic drugs; commerce and navigation; consular conventions and conventions respecting conditions of residence; Customs conventions; economic and financial treaties; delimitation of frontiers and frontier traffic; taxation; tonnage measurement; legal and extradition conventions; air navigation; fisheries; political agreements, treaties of peace and friendship, sovereignty, alliance, etc.; postal, telephonic, telegraphic and radio-telegraphic conventions; agreements regarding social questions, agreements concluded under the auspices of the League; questions relating to the application of the Treaty of Versailles; sanitary conventions; transit; waterways and inland navigation; general relations; intellectual relations; miscellaneous.

Of the 310 registered, 24 are treaties of arbitration and conciliation, 59 treaties of commerce and navigation, 20 economic treaties and 12 political agreements.

The Secretariat will shortly issue the *Index of Registered Treaties* from 1001 to 1500. This will be a continuation of the Index published last year, which included the first 1,000 treaties registered.

Up to the present, seventy-two volumes, of about 450 pages each, containing some 1,700 treaties, have been published by the Secretariat.

### III. RATIFICATION OF AGREEMENTS AND CONVENTIONS CONCLUDED UNDER THE AUSPICES OF THE LEAGUE.

The question of the ratification of these agreements and conventions, more particularly regarding ratification delays, was thoroughly discussed by the Council in March 1928. After considering a memorandum submitted by the Italian Representative, M. Scialoja, it decided to invite League committees to examine from time to time the position in regard to the ratification of the conventions in which they were interested, in order that the Council might—if it thought desirable—draw the attention of States to the expediency of ratifying these conventions, or some particular convention, at the earliest possible moment. It also asked the Secretary-General in future to append to his half-yearly reports on the progress of ratifications, a statement of the reservations which certain countries might make in ratifying or acceding to a treaty in order that it might know to what extent a State was bound by its ratification.

### IV. RELATIONS BETWEEN THE LEAGUE AND BODIES PLACED UNDER ITS AUTHORITY.

In 1927, the Assembly asked the Council to have a memorandum prepared on the question of relations between the League and institutes or bodies set up under its authority. In June 1928, the Secretary-General presented a draft report to the Council, which it adopted and forwarded to the Assembly.

The report, which is analysed below, deals, first, with the general principles to be followed in placing international bureaux under the League's direction, *i.e.*, the application of Article 24 of the Covenant, and, secondly, with the general rules which might in future govern the acceptance of international institutes by the League.

*Application of Article 24 of the Covenant.* — This Article provides that “there shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League”:

In 1921, the Council approved certain rules to be observed in placing international bureaux under the direction of the League. The report therefore only lays down the general principles which should govern the relations contemplated in this Article between the League and certain international bodies, as well as the procedure for the establishment of such relations and their acceptance by the League.

The Council defines the “direction” of the League as the exercise by the League of a general mission in regard to the examination and co-ordination of the various manifestations of international life. On this hypothesis, the League should see that the organisation in question always preserves a strictly international character and that its work is carried on in an efficient manner. The necessity for avoiding overlapping must also be borne in mind.

The exercise of authority by the League further implies that its organs shall be fully informed as to the work of the institutions covered by Article 24; with due reference to the precedents already established, the League shall be able to call upon those institutions whenever their services may be of technical value from the standpoint of its general work; and, lastly, the League's competent organisations shall, if they think fit, be able to reach any decision in pursuance of this mission of general examination and co-ordination.

The Council also sets forth the procedure for the establishment of the League's direction. This direction which, by the Council resolution of 1921, can only be extended to official institutions, must be established by a definite legal

act admitting of no future doubt. It is for the Council to pass a resolution when the conditions laid down in Article 24 are fulfilled, declaring that this or that institution is henceforth placed under the direction of the League of Nations.

*Principles which might govern the Acceptance of International Institutions by the League of Nations.* — As regards the principles which might govern the acceptance of international institutes by the League, the Council adopted certain rules, based on the experience of the last few years in connection with the creation of the International Institute for Intellectual Co-operation in Paris, the Institute for the Unification of Private Law in Rome and the Educational Cinematographic Institute also in Rome.

These rules are : (1) the object of the Institute must come within the sphere of activity of the League of Nations; (2) the legal statute of the Institute must provide for its independence as regards the local authorities; (3) the constitution of the Institute must be such that the League organs are able to supervise its work.

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The Assembly fully endorsed the views of the Council on these two points. As regards international bureaux, it considered that, while retaining their constitutional authority, they should function more or less as extensions of the League itself, within limited specialised fields.

The Assembly was particularly anxious that any institutes that might subsequently be established should, even though not forming part of the League of Nations, be attached to an advisory technical League organisation. It moreover expressed the desire that, when an institute of this kind was created, its financial status should also be examined with a view to ascertaining whether it possessed sufficient funds to allow of the effective fulfilment of its duties. The

Assembly further emphasised the fact that appointments both to the Governing Body and the senior staff of such institutes should be made without distinction of sex and with due regard to the international character of the institute.

#### V. LEGAL ASSISTANCE FOR THE POOR.

During the year, the Secretariat published and addressed to all Governments a collection of documentary information which it had been asked to prepare on the subject of : (a) treaties, laws and other provisions regulating legal assistance to poor persons in the various countries, and between the various countries; (b) the agencies, both public and private, which afford legal assistance to poor persons; (c) the authorities or persons nominated by Governments to answer enquiries regarding legal assistance to the poor from authorities or duly qualified persons in foreign countries.

#### VI. INAUGURATION OF THE INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AT ROME.

The opening of the Rome International Institute for the Unification of Private Law took place on May 30th, 1928, at the Villa Aldobrandini, Rome, in the presence of the King of Italy, the Head of the Government, the Diplomatic Corps, the representatives of the President of the Council of the League and of the Secretary-General, as well as numerous representatives of universities and learned societies, and the members of the Governing Body of the new Institute.

The Governing Body held its first session in Rome under the presidency of M. Scialoja. It discussed and adopted the regulations governing the work of the Institute, and appointed as Secretary-General M. Pietro de Francisci, Professor of History and Roman Law at the University of Rome.

## VII. ELECTION OF THE NON-PERMANENT MEMBERS OF THE COUNCIL.

The mandates of three non-permanent Members of the Council—China, Colombia and the Netherlands—having expired, the Assembly elected in their place Spain, Persia and Venezuela.

On the request of the German, English and French Governments, supported by its bureau, the Assembly had previously decided that the temporary provisions of 1926 should exceptionally remain in force in 1928, thus authorising a State Member to make a request for re-eligibility immediately after election to the Council. The Swedish and Norwegian delegations voted against this proposal for reasons of principle.

The proposal being adopted, Spain submitted immediately after election a preliminary request for re-eligibility which secured more than two-thirds of the total votes cast. Spain, accordingly, was authorised to stand for election in 1931, at the end of her present term of office. A request for re-eligibility presented by China, whose mandate had expired, secured 27 votes—less than two-thirds of the total cast.

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## CHAPTER V

### THE ECONOMIC AND FINANCIAL ORGANISATION

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- I. *Work of the Economic Committee : Commercial Policy; Treatment of Foreign Nationals and Companies; Assimilation of Legislation on Bills of Exchange and Cheques; Unification of Statistics; Veterinary Police Measures and Measures of Control; Enquiries into the Unification of Customs Nomenclature; Enquiries into the Exploitation of the Riches of the Sea.*
- II. *Conventions and Agreements : Convention for the Abolition of Import and Export Prohibitions and Restrictions; Agreements relating to the Exportation of Hides and Skins and of Bones.*
- III. *Work of the Economic Consultative Committee; Economic Conditions in 1927; Application of the Recommendations of the Conference; Recommendations. Relations between the International Institute of Agriculture of Rome and the League of Nations.*
- IV. *Work of the Financial Committee : Stabilisation of Greek Currency and Settlement of Greek Refugees; Bulgarian Stabilisation Scheme; Settlement of Bulgarian Refugees; Enquiries into Financial Reconstruction of Portugal; Agreement concerning the Financial Obligations resulting from the Greco-Bulgarian Convention on Emigration; Draft Convention for the Suppression of Counterfeiting Currency; Monetary Statistics; Purchasing Power of Gold.*
- V. *The Assembly and the Economic and Financial Work of the League.*

In September 1927, the Assembly, on the recommendation of the World Economic Conference decided to reconstitute the Economic and Financial Organisation of the League. The Conference had proposed that a new organ, the Economic Consultative Committee, should be created and had defined its tasks, as well as those of the existing Economic Committee.

The Economic Committee consists of fifteen members, including, since 1928, an American member, Mr. Lucius Eastman. For the most part, these members are high officials

of the competent Government departments. The Committee remains the organ through which the Council deals with economic affairs and, like the Council, it meets every three months. Its principal work concerns economic relations between States and their economic policies so far as they have international aspects.

The Economic Consultative Committee is a much larger body and is composed in such a way as to facilitate the consultation and co-operation of all circles concerned with commerce, industry, agriculture, and questions relating to labour and consumption. It meets not more than once or twice a year, its object being to "follow the application of the World Economic Conference's recommendations", that is to say, to indicate omissions and deficiencies, to stimulate efforts and to draw attention to problems. It is the medium through which competent public opinion is able to express its views.

During the past year, the Economic Committee made a careful study of its programme and its methods of work. In connection with the theoretical part of its work, it endeavoured to define in clear and accurate terms the principles of commercial policy laid down by the Conference. It also perfected or put in hand measures to give effect—either in actual practice or by legislation—to the programme drawn up by the Conference. These efforts led to the framing of a Convention for the Abolition of Import and Export Prohibitions and Restrictions, with its corollaries, the Agreements relating to Hides, Skins and Bones; draft conventions on the treatment of foreigners and of foreign concerns; the assimilation of legislation on bills of exchange and cheques; the preparation of an International Conference on Statistics; enquiries into veterinary measures, the unification of Customs nomenclature and the exploitation of the riches of the sea.

The Consultative Committee also, after reviewing the progress made during the year in regard to the application of the Conference's recommendations, drew up a new programme of work.

With regard to the work of the Financial Committee, special mention must be made of the work of financial reconstruction, particularly in Greece and Bulgaria, and of the settlement of refugees in those two countries. Details are also given below of the financial reconstruction scheme prepared by the Committee at the request of the Portuguese Government, the work done in regard to the suppression of counterfeit currency, the agreement drawn up by the Committee concerning the financial questions raised by the Greco-Bulgarian Convention on Emigration, and a meeting arranged by the Committee, of Central Bank Statisticians.

## I. WORK OF THE ECONOMIC COMMITTEE.

1. *Commercial Policy.* — In view of the fact that the resolutions of the Economic Conference on commercial policy (1) received the almost unanimous approval of the Governments and the cordial assent of the 1927 Assembly, the Economic Committee felt that its main work must be to carry out as quickly and completely as possible the reforms proposed.

These reforms were grouped by the Conference in three different categories — those to be effected by the autonomous action of Governments, those to be carried out by bilateral conventions between States, and those to be brought about by the concerted and simultaneous action of States under the auspices of the League.

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(1) See *The League of Nations from Year to Year, 1926-1927*, pages 69 et seq.

The Economic Committee did not see how it could influence the autonomous action of Governments except by repeated affirmation of a liberal policy of which it felt itself to be the chosen advocate. On the other hand, as regards Government action by bilateral and multilateral agreements, the Committee considered that its investigations and proposals should aim at diverting such action definitely into the channel indicated by the Conference.

The Committee therefore turned its attention towards :

- (a) The placing on a sound basis of treaty-making methods (including the study of the most-favoured-nation clause); and
- (b) The possibility of collective action for a concerted lowering of Customs barriers.

On these two points, the Committee is endeavouring to establish a body of doctrine which will ultimately be communicated to Governments with a view to framing an international convention.

The provisional conclusions reached by the Committee may be summarised as follows :

As regards tariff systems and contractual methods, the Committee unanimously recognised that it was no longer possible to establish or to recast national tariffs without taking account of the repercussions that the rates or conditions of these tariffs may exercise on international trade; however anxious States might be to adapt their tariffs, in an autonomous fashion, to their financial or economic needs, they cannot establish them without taking account of the obstacles to general trade which may result from them. But while some of the members of the Committee considered that the procedure for this purpose ought to be that of negotiations resulting in an exchange of tariff guarantees, the opposite opinion was expressed that tariff treaties were incom-

patible with the ideas and the practice of certain States, which claimed the right to legislate at their will in these matters, on condition that they applied their tariff laws without discrimination in any way to the detriment of any country. The Committee, finding itself confronted with two different methods, that of the hard-and-fast tariff on the one hand and of the negotiable tariff on the other, agreed that it would be a mistake to condemn or approve, in too absolute a manner, either of these methods. It held, however, that the supporters of the theory of the hard-and-fast tariff must now admit the necessity for considering the claims of other countries which might consider they were harmed by the measures taken; and that, similarly, the supporters of the negotiable tariff must understand the necessity of restraining from tariffs established solely for use as offensive weapons; their tariffs should be adapted as closely as possible to the real needs of the country and merely include a reasonable margin for negotiation.

As regards the *most-favoured-nation clause*, the Committee inclined towards a compromise of fact rather than to a choice between conflicting doctrines. The position appeared to be that certain States considered most-favoured-nation treatment as a preliminary condition for negotiation (to be revised, should prohibition duties or unfair discrimination be encountered), while others regarded it as the price of a favourable tariff agreement, admitting nevertheless the theory that no such agreement could be concluded without granting this treatment.

The Committee noted, therefore, that unanimity could undoubtedly be reached on a doctrine declaring that the grant of most-favoured-nation treatment ought to be normal, and that the refusal of this guarantee or the corresponding establishment of a differential regime ought not to arise except in the case of States which refuse an equitable tariff policy or have recourse to discriminatory practices.

The Committee also defined its view in regard to the field of application of the most-favoured-nation clause in tariff and commercial matters, and delimited the exceptions. It will next turn its attention to the drafting of this clause, to measures of retortion applied in respect of certain derogations held to be inadmissible, to certain practices contrary to obligations resulting from the clause, to the connection between the concessions made by States under the clause in bilateral treaties and the obligations assumed by them under multilateral agreements.

As regards *collective action with a view to the reduction of tariffs*, the Committee considered that collective action by States with a view to a general and simultaneous reduction of Customs barriers as recommended by the Economic Conference, was not possible in present circumstances. It was however, of opinion that, in regard to certain points and certain selected products or substances, valuable results were already to be obtained and that, if these experiments were successful, they might gradually lead to the more general application of the system.

With this object in view, the Committee selected a number of basic industrial products (aluminium, semi-finished products of iron, cement, leather, wood in the rough and sawn wood, cellulose and paper) and even certain foodstuffs (fresh fruit and vegetables, rice) in respect of which preliminary enquiries are being undertaken with a view to a concerted reduction of tariffs.

*2. Treatment of Foreign Nationals and Companies.* — The Economic Committee has prepared a draft International Convention for the Establishment of Foreigners and Foreign Concerns. The Economic Conference attached great importance to the settlement of this question, the examination of which was begun by the Committee some years ago.

The draft finally adopted by the Committee in collaboration with the International Chamber of Commerce does not

touch upon the very delicate question of the admission of foreign nationals and companies, a subject hitherto not dealt with by international consultation. The scope of the Convention is not, however, restricted to conditions for the establishment of foreign nationals or companies already admitted to a State. It also embodies the necessary trade guarantees for nationals of contracting States not established in a foreign territory, but desirous of carrying on business or investing capital in that territory whether directly, through agents or by correspondence.

In its present form, the draft contains all the guarantees that States should secure on a basis of reciprocity for their nationals, whether natural persons or legal entities, who have been allowed to establish themselves in the territory of other contracting parties.

These guarantees apply, not only to the exercise of all economic activities, but also to civil and legal rights, to the acquisition, preservation and transmission of property and interests of all kinds, to charges of a fiscal character, both exceptional and normal, to which persons and their property may be subject and constitute as complete a codification on as broad a basis as possible of the law of establishment, in so far as it seems possible and equitable to codify this law in view of the disparity of concepts, situations and laws and of international practice under existing treaties.

The Committee has not only endeavoured as far as possible to substitute treatment on the same terms as nationals and equality with nationals of the country of establishment for most-favoured-nation treatment, which often leads to differentiation and uncertainty; in many instances, it has even recommended that such relative guarantees should be replaced by positive undertakings to which the various acceding countries would make their laws and actions conform.

The draft convention was communicated to the Governments, which were asked to state whether they considered

that the draft constituted an adequate basis for an international convention and whether they were prepared to participate in a diplomatic conference for the conclusion of such a convention.

*3. Assimilation of Legislation on Bills of Exchange and Cheques.* — On this subject also, the Economic Committee framed draft conventions. These drafts are now before Governments, which have been asked whether they consider that the drafts could be used as a basis for an International Conference.

At the present time, there are insuperable difficulties in the way of the unification of existing legislation, and the Committee accordingly endeavoured to find means of assimilating the different laws of the continental type (including those of Latin America) on bills of exchange and cheques, in the hope that, once this progress had been made, it would be easier to co-ordinate in some measure the continental and the Anglo-Saxon systems.

The Committee consulted Argentine, Belgian, British, Czechoslovak, French, German, Italian, Polish and Swiss jurists on the matter. These experts submitted a report which aims at unifying as far as possible the different laws of the continental type. They prepared two draft sets of regulations embodying the solutions recommended for the various problems connected with bills of exchange and promissory notes and with cheques respectively. It is proposed that the States participating in the future Conference should be asked to submit within a fixed period to their Parliaments a draft law embodying in the national law the solutions generally accepted at the Conference.

On certain points the experts did not think general agreement possible, and here the draft they submit leaves Governments free to legislate as they think fit. Thus, even among States accepting the unified regulations, conflicts

of law might arise on points not touched by these regulations. In order to obviate the resultant difficulties, the experts submitted two other draft conventions which are intended to fill the gaps left by the partial unification proposed.

The rules laid down in these draft conventions are offered as a possible settlement on uniform lines of any conflicts of law in the matters referred to, and could in any case be accepted as a remedy for the present situation, in which, owing to the lack of such rules, the courts of different countries often arrive at different conclusions. Even States not taking part in the Conference might possibly see their way to accept these rules.

4. *Unification of Statistics.* — Arrangements for a Statistical Conference on November 26th, 1928, have been completed by a Special Committee composed of members of the Economic Committee assisted by experts from important international statistical organisations and directors of certain national statistical offices. The programme includes : (1) the scope of economic statistics, that is to say, the field of economic activity which national statistics should normally embrace; and (2) methods to be adopted by Governments with a view to the comparability of industrial and commercial statistics.

The programme further emphasises the importance of all countries' possessing comparable statistics on the economic position and movements of the world as a whole and of the various countries. It includes a list of the principal categories of economic statistics the official publication of which is desirable, and indicates principles to be adopted in compiling certain of them so as to make them as far as possible comparable. These categories concern occupations and professions, industrial and commercial establishments, industrial production, foreign trade, index numbers, etc.

*5. Veterinary Police Measures and Measures of Control.* — At the Conference for the Abolition of Import and Export Prohibitions and Restrictions, representatives of agricultural countries, whose export trade is frequently hampered by sanitary restrictions, urged the necessity for an enquiry into the means of reconciling the interests of countries desirous of guarding against diseases of animals and plants with those of countries exporting these products.

The Economic Committee, to which this question was referred by the Council, called a small meeting of experts to ascertain and define, primarily as regards animals, the possibilities of international action in the matter and the scope of such action.

This Sub-Committee was composed of equal numbers of experts from countries favouring agreements of this kind and from countries hitherto opposed to this course.

The duty assigned to this Sub-Committee is to examine the safeguards that might be given by cattle-exporting countries, and the facilities that might be granted by importing countries on the basis of those safeguards, and in general to determine the best means of applying veterinary police measures with due regard to the interest of all parties.

After an exhaustive discussion, the experts laid down as a general preliminary condition for any international action to facilitate trade that confidence must be established between importing and exporting countries. This confidence can, they consider, only be founded on the existence in each country of properly organised veterinary services and the prompt and regular publication of accurate particulars of the health situation in exporting countries.

The experts' report has been communicated to Governments, with a request for their opinion in regard to the principles recommended. The matter is thus still in the preparatory stage. At their next meeting, the experts will

study the measures in force in different countries in connection with the importation, transit and exportation of animals and raw products of animal origin.

The Economic Committee proposes to appoint later another Committee of Experts, to undertake similar enquiries into the prevention of plant disease.

6. *Unification of Customs Nomenclature.* — Notwithstanding the great difficulties in the way of establishing a unified Customs nomenclature, the Committee of Experts appointed in August 1927 (1) succeeded, after consulting the industrial and commercial circles concerned, in drawing up a *framework* for a Customs nomenclature, containing the principal categories and headings both for agricultural and industrial products. This scheme divides nomenclature into twenty sections and ninety-five headings. Under the twenty sections are grouped all categories of goods used in trade, from natural products (raw materials) to semi-manufactured and finished goods. This classification is established on a simple and logical basis and abandons on certain points the practice hitherto adopted. An eventual sliding-scale of duties is provided by classification based on the greater or less quantity of labour required in the production of the imported goods. The scientific clarity of this nomenclature makes it possible for it to be easily understood, not only by Customs administrations, but also by business-men and tradesmen.

The experts have now begun the second and most difficult part of their work — that of drawing up the nomenclature itself on the basis of this framework.

7. *Exploitation of the Riches of the Sea.* — As requested by the 1927 Assembly, the Economic Committee is studying the question whether, in what circumstances, for what species

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(1) See *The League of Nations from Year to Year, 1926-1927*, page 93.

and in what areas, international protection of marine fauna could be established. The object is to protect deep-water fauna from the danger of extermination due to uneconomic exploitation.

In the first place, the Committee decided to confine its investigations to species of economic importance. The first provisional conclusions reached were that further investigations should be mainly confined to whales and to certain species of fish which are consumed on a large scale. In both cases, however, the paucity of accurate scientific data regarding the migration and reproduction of these species and the consequences of present methods of catching them made it impossible to formulate any proposals as to the desirability of protective action or the form such action should take.

The Committee has obtained the assistance of the Permanent International Council for the Exploration of the Sea (Copenhagen) and methods of joint action are being considered.

## II. CONVENTIONS AND AGREEMENTS.

*I. Convention for the Abolition of Import and Export Prohibitions and Restrictions.* — The Convention for the Abolition of Import and Export Prohibitions and Restrictions concluded at Geneva on July 11th, 1928, was the work of an International Diplomatic Conference, which held two sessions, one in October-November 1927 and the other in July 1928.

Some thirty States, including the majority of European countries, the United States of America, Egypt and Turkey, were represented. A delegation from the International Chamber of Commerce attended in an advisory capacity.

This Convention was supplemented by Agreements relating to the Abolition of Export Prohibitions on Hides, Skins

and Bones. These Agreements were the outcome of a Conference which met twice (March and June 1928) in the interval of the sessions of the General Conference.

The task of these Conferences was facilitated by the careful preparatory work of the Economic Committee, which, in collaboration with the Governments and circles concerned (commercial and industrial organisations, the International Chamber of Commerce, the International Institute of Agriculture, the International Parliamentary Conference on Commerce), had drawn up a preliminary draft convention.

The problem was a difficult one. The object was to abolish existing import and export prohibitions, with the exception of those relating to the protection of higher interests, such as public order, sanitary regulations concerning animals and plants, etc., and to return, in short, to the situation regarded as normal before the war. Although, in the course of the preliminary enquiries undertaken by the Committee, all countries had agreed in principle to the abolition of a system which appeared to be justified only in exceptional circumstances, this system had taken deep root in the commercial policy of European States in particular. There is also a real interdependence between certain prohibitions (for instance, the prohibition to import dyestuffs into Great Britain and the prohibition to import coal into Germany), and the existence of such prohibitions in one State affects the situation in other States.

The Convention concluded by the Conference embodies an undertaking to abolish within six months of its coming-into-force all import and export prohibitions and restrictions, subject to certain specific exceptions. The contracting parties also undertake not to impose further prohibitions and restrictions of this kind in future. The exceptions are of two kinds : namely, prohibitions imposed in normal circumstances, but based upon non-economic grounds (national defence, public morals and health, etc.), or in abnormal

circumstances (famines, catastrophes, etc.), and other exceptions which have been maintained with the consent of all the parties to the Conference. The latter concern prohibitions which certain States consider it impossible to abolish at once, but which they undertake to suppress as soon as the circumstances from which they have arisen no longer exist, and certain prohibitions which it would be difficult to abolish and which do not affect prejudicially the trade of other countries.

Nevertheless, if the Convention is ratified, the exceptions thus maintained will be comparatively insignificant. Whereas there are hundreds of prohibitions, the exceptions to the principle of their general abolition are confined to eighteen, ten of which have no real bearing on international trade.

Moreover, the Convention, the Additional Protocol and the Final Act of the Conference provide a procedure for the systematic reduction of exceptions, and it is reasonable to hope that within another five years what practically amounts to the pre-war regime will have been reinstated.

The Convention contemplates a conciliation and arbitration procedure for the settlement of disputes as to the interpretation or application of its provisions. One of its Articles lays down that, for disputes concerning provisions other than those dealing with exceptions and reservations, recourse shall be had for an advisory opinion to a technical organ of the League (to be appointed by the Council) or to arbitral or judicial procedure. Legal disputes must be referred either to the Permanent Court of International Justice or to an arbitral tribunal, should one of the parties so request. Contracting States, which desire to do so, may undertake, subject to reciprocity, to extend the procedure indicated above to disputes concerning exceptions and reservations, whether the dispute is of a legal nature or not.

Ratifications must be deposited with the League Secretariat before September 30th, 1929, an exception being made for special reasons in the case of the United States. If the requisite conditions are fulfilled by that date, the Convention will come into force on January 1st, 1930. All the contracting States must, within six months of the coming into force of the Convention, abolish all import and export prohibitions or restrictions, subject to the exceptions allowed in the Convention.

In his closing speech, M. Colijn, the President of the Conference, and former Prime Minister of the Netherlands, summed up its work as follows :

This result may be considered as constituting a substantial progress by anyone able to appreciate the barriers to international trade formed by prohibitions and restrictions, and also by anyone knowing the methods in use for the negotiation of commercial treaties.

We accordingly feel that we have made a great step in advance towards the freedom of trade recommended by the International Economic Conference of May 1927. This step has been made in one of those collective negotiations recommended by the Economic Conference of May 1927 as a useful substitute for bilateral negotiations. We have thus, I believe, succeeded in an experiment which may in future serve as an example for the solution of many other problems.

I am sure that a further application of the system of collective negotiations will be equally successful and will lead us little by little towards the ideal contemplated by the Conference of May 1927 towards the greatest possible freedom of trade.

*2. Agreements on Hides, Skins and Bones.* — At its first meeting, in November 1927, the Conference for the Abolition of Prohibitions recommended that countries in which prohibitions relating to hides, skins and bones were in force should

immediately confer with a view to ascertaining whether they could not simultaneously renounce reservations in this connection.

The Economic Committee, to which this recommendation was referred, came to the conclusion that the majority of countries, and particularly those whose accession to the principle was most important, were prepared to abolish export prohibitions on bones and on raw skins and hides. It realised, however, that, if this prohibition were abolished by general agreement, two questions connected with it would have to be dealt with, the first concerning the export duties which certain countries already imposed or which other countries might substitute after abolishing the prohibition, and the second relating to the claim of certain States that liberty of commerce in regard to raw materials and the tariff system for products made from those materials should be interdependent.

On the Committee's recommendation, the Council convened a conference of the countries concerned, which drew up two international agreements supplementing the Convention for the Abolition of Prohibitions.

By these agreements, the contracting States undertake to suppress, by October 1st, 1929, at the latest, all export prohibitions on hides and skins. They also undertake not to impose an export duty on those commodities, an exception being made for the Roumanian Government, which retains its liberty as regards these duties, but declares that it has no intention of establishing excessive duties.

As regards bones, the contracting parties will suppress export prohibitions by October 1st, 1929, at the latest, an exception being made for the Italian Government, which is authorised to maintain its present system pending the conclusion of certain negotiations concerning export duty on bones. The possibility of imposing export duties is maintained, but in most cases maximum limits are fixed.

July 1st, 1929, has been fixed as the final date for the deposit of the instruments of ratification, so that States concerned may be apprised of the situation in regard to the hides, skins and bones trade before finally committing themselves as regards the Convention for the General Abolition of Prohibitions.

### III. WORK OF THE ECONOMIC CONSULTATIVE COMMITTEE.

The Economic Consultative Committee, which was constituted at the request of the 1927 Assembly to "follow the application of the recommendations of the World Economic Conference of 1927", held its first session in May 1928.

The composition of the Committee, which numbers nearly sixty members, is similar to that of the Preparatory Committee for the World Economic Conference. Its members represent the economic interests and organisations that made the Conference an authoritative reflection of the economic life of the times, more especially as regards Europe, and include representatives of the League Economic and Financial Committees, the International Labour Organisation, the International Institute of Agriculture, the International Co-operative Alliance, the trade union movement, capital, labour and trade, as well as certain economists.

After reviewing the changes in the economic situation in 1927 and the measures taken by League organs to give effect to the resolutions of the Economic Conference, the Consultative Committee drew up a number of recommendations dealing with trade, industry and agriculture.

An analysis of its work is given below :

1. *Economic Conditions in 1927.* — In 1927, the improvement in economic conditions in Europe was greater than in any other year since the war. It was more rapid in the centre and east than in the west and applied to agricultural as well

as industrial production. For the first time since 1914 (if the abnormal year 1921 be ignored), the steel production of Europe exceeded half of the world's total.

Further progress was made in the consolidation of State finances and the stabilisation of currencies. Gold prices in the various countries showed a distinct tendency to converge. The general price index of the United States for 1927 averaged nearly 5 per cent lower than in 1926, while prices rose in Central and Eastern Europe. The gold reserves increased in a number of European Central Banks.

On the other hand, it must not be forgotten that conditions in 1926 were very unsatisfactory, and the best that can be said of the present situation is that ten years after the war the international trade of Europe has at last recovered to about the pre-war level. Progress has been suspended for a decade and a-half and starts to-day where it left off fifteen years ago. Substantially, the diagnosis of the situation remains the same as that made by the Economic Conference. It follows that economic policy must continue to be directed towards an expansion of world trade and production, without which a rise in the standard of living cannot take place.

## *2. Execution of the Conference's Recommendations in 1927.*

— The Consultative Committee emphasised the fact that action on the Conference's recommendations appeared to have taken place more rapidly than was the case after the Brussels Financial Conference of 1920.

The Committee drew attention to the fact that, although some tariffs were to-day higher than a year ago, their rate was very much less than that then proposed. It considered that the work of the Conference had already substantially checked the upward movement of tariffs which was in full swing in May 1927, and that the conclusion during the past year of a large number of commercial treaties which had not only reduced duties between the contracting parties, but also

extended these reductions to other States under the most-favoured-nation clause, was to be directly traced to the Economic Conference.

The Committee observed that these improvements had hitherto been confined in the main to the relations between European States. A feature of the past year had been the more rapid improvement of trade between the nations of Europe than the relations between Europe and the United States or other distant parts of the world.

3. *Recommendations of the Committee.* — The Consultative Committee approved the work of the Economic Committee (see below). As regards *trade*, it emphasised the necessity for restoring complete liberty of trading, and drew attention to the importance of a clear, comprehensive and binding definition and set of rules for the application of the most-favoured-nation clause. It expressed the hope that, thanks to the work of the Economic Committee, an interpretation of commercial policy, confirmed and accepted by international agreement, would soon be obtained. It reiterated the desire expressed by the Economic Conference that there should be collective agreements to secure general and progressive reduction of tariffs. As a first step, the Consultative Committee suggested that an agreement should be concluded to reduce duties on particular groups of commodities, as recommended by the Economic Committee.

As regards *industry*, the Consultative Committee, in view of the serious position of the coal and sugar industries in a number of countries, recommended that these two problems should be closely studied, in order to ascertain whether concerted international action could further their solution. It also recommended enquiries into the questions of rationalisation and industrial agreements and the provision of adequate statistics and information on industrial development.

As regards *agriculture*, the Consultative Committee suggested that information should be collected by the League on the intensification of agricultural production, training, co-operation, credits means of transport, marketing and development of direct relations between producers and consumers' co-operative societies.

*4. Relations between the League and the International Institute of Agriculture at Rome.* — In the course of the year, the Italian representative, M. Scialoja, communicated to the Council his Government's desire for closer co-operation between the International Institute of Agriculture of Rome and the League, in order to prevent duplication of work and to serve the interests of agriculture.

The Italian Government—the depository of the 1905 Convention by which the Institute was established—has already brought this matter to the notice of the signatories of the Convention.

At M. Scialoja's request, the Council instructed the Secretary-General to get into touch with the President of the Institute, in order to explore the ground and prepare the way for later decisions.

The Chairman of the Economic Consultative Committee, M. Theunis, took part in these conversations.

#### IV. WORK OF THE FINANCIAL COMMITTEE.

*1. Stabilisation of the Greek Currency and Settlement of Greek Refugees (1).* — The stabilisation loan organised by the Financial Committee was successfully floated in January 1928 in London and New York, as well as on the Italian,

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(1) With reference to other refugees (Russians, Armenians, etc.), see the section on refugees included in Chapter XIV—"Social and Humanitarian Work"

Swedish and Swiss markets, at extremely favourable terms (rate of interest 6 per cent, rate of issue 91). In the following May, a new bank, the Bank of Greece, was opened with gold and foreign exchange reserve amounting to over 53 per cent of its note circulation, and other sight liabilities. The drachma was legally stabilised at 375 drachmae to the pound.

The loan was issued for £6,500,000 instead of £9,000,000, as contemplated by the Financial Committee, owing to the fact that the Greek Government had concluded a loan of £12,167,000 with the United States, to be paid in its entirety to the Refugee Settlement Commission, when the agreement had been ratified by the United States Congress.

Notwithstanding certain adverse circumstances (drought, hail, a severe winter and earthquakes), the settlement of refugees made considerable progress. As stated by the Commission in one of its latest reports, "the main part of the undertaking has been accomplished; the large majority of refugees are settled and at work, some being engaged in production and others in trade". A few figures will give an idea of the work done since 1923. More than 43,000 families have been settled on the land, while 28,000 families are living in cities. More than 8 million stremmas (1) of land have been distributed. As regards rural settlement, more than 58,000 houses have been built and 4,000 are under construction. Under the urban settlement scheme, 18,000 houses have been built and 3,000 are under construction.

The settlement of the refugees has given an extraordinary impetus to the general prosperity of the country, as is shown by a few instances : the area under cultivation in all Greece has increased from 1.4 million stremmas (1) in 1923-1924 to nearly 2.5 millions in 1926-1927. The total wheat crop rose from an average of about 600,000 tons in the years 1922-1924 to over 900,000 tons in the last two harvests. The

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(1) 10 stremmas = 1 hectare.

output of tobacco has doubled, rising from 25,000,000 kg. in 1922 to an average of 60,000,000 kg. in the last year or two. Half this tobacco crop is produced by refugee growers.

Nevertheless, much remains to be done both for the urban population, whose settlement is a problem not yet completely solved, and for the agricultural population, whose equipment could in some cases be supplemented so as to enable it to become self-supporting.

In this connection, the Commission will shortly have additional funds at its disposal (the loan of approximately \$12,000,000 concluded with the United States), for the utilisation of which a two-years programme has been drawn up. This programme includes : (1) the construction of two roads and a bridge in a settlement area near the Bulgarian frontier (region of the Nestos); (2) the organisation of the home carpet industry in villages and small towns with a view to stabilising labour and encouraging production; (3) the revival of village arts and crafts that flourished formerly among the Greek population of Asia Minor, but have been entirely disorganised owing to emigration (metal and leather craft, pottery, etc.); (4) the construction of houses in various parts of Macedonia, where the population has increased owing to the influx of agricultural refugees; (5) the extension of the settlement plan to Mytilene, where a population of 100,000 includes some 40,000 refugees, most of whom are in a precarious condition, and to the island of Chios—the first stage in the exodus of Greek emigrants from Turkey—where there are still approximately 17,000 refugees living in the most deplorable conditions.

*2. Bulgarian Stabilisation Scheme and the Settlement of Bulgarian Refugees.* — The negotiations begun in September 1927 by the Bulgarian Government and the Council, through the Financial Committee, were successfully concluded in March 1928, when the Council approved the final scheme for a loan of £4,500,000. This sum was subsequently increased

to £5,000,000, to meet expenditure on account of the earthquakes which devastated part of Bulgaria in April 1928.

In the main, the scheme adopted for Bulgaria resembles that applied for Greece. Part of the loan is devoted to strengthening the position of the National Bank, the Agricultural Bank and the Central Co-operative Bank. Another portion will be used to cover budget arrears, and a third part for the construction of roads and railways.

The Bulgarian Government has undertaken to guarantee the independence of the National Bank of Bulgaria against any political influence and has accordingly agreed to the nomination of a technical adviser by the Council (1). With a view to the definite consolidation of Bulgaria's financial situation, the Government also recognised the necessity for bringing the National Bank into conformity with other Central Banks. This transformation will be effected at a date to be fixed by agreement between the Bulgarian Government and the Council.

The programme for the upkeep, improvement and construction of new railway lines, roads and ports drawn up by an expert appointed by the League Transit Organisation was approved by the Council in June. The League Commissioner in Sofia was authorised to release the necessary monies (£250,000 in all, out of the future loan), subject to his being satisfied, after consulting the Financial Committee, that the Bulgarian Government had proceeded to the necessary reorganisation of the railway administration.

Although of much more recent date (1926) than the settlement of Greek refugees, the work in connection with the settlement of Bulgarian refugees has already produced considerable results. Notwithstanding difficulties—probably inevitable in a country where the land survey is extremely

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(1) In September 1928, this office was entrusted by the Council to M. René Charron (French), League Commissioner at Sofia.

defective and titles to land are often disputed—it is estimated that, by the end of 1928, 90 per cent of the refugees will have been furnished with land and will be in possession of title-deeds establishing their rights. The remaining families—between 3,000 and 4,000 (out of 33,000, as originally specified in the settlement plan)—will be established on land reclaimed for cultivation by marsh drainage and flood-protection works. More than 2,000 houses have been built. Large quantities of equipment and draught animals have been distributed. The anti-malaria campaign is being satisfactorily conducted on the lines indicated by the experts whom the League Health Section has on several occasions sent to Bulgaria. The Directorate of Refugee Settlement has set up a Health Centre at Petrich, for which the funds have been furnished by the Rockefeller Foundation.

The importance of the results obtained is further shown by the changed outlook of thousands of families, who, as stated by M. René Charron, League of Nations Commissioner at Sofia, are now displaying confidence in the future. Nevertheless, owing to the earthquakes which in April devastated the richest part of Bulgaria, the work was carried on during the past year under exceptionally unfavourable conditions. Although no part of the refugee loan funds could be diverted for the assistance of the victims of the catastrophe, the League Commissioner endeavoured to contribute to the relief work undertaken by the Bulgarian Government. He included in the settlement scheme a certain number of refugees from among the stricken population who had not hitherto been assisted, either because they needed no help or had found means of earning a more or less precarious livelihood. The Commissioner also placed at the Government's disposal a sum of 45,000 levas, being the approximate amount of the interest on unexpended loan funds.

*3. Scheme for the Financial Reconstruction of Portugal.* -- At the request of the Portuguese Government, the Council

instructed the Financial Committee to study the issue under the League's auspices of an international loan for the purpose of carrying out a general scheme of financial reconstruction, currency stabilisation and economic development in Portugal.

A delegation accordingly visited Lisbon and the whole situation was carefully examined with the help of the Portuguese Government, the Government Departments, the National Bank, etc. As a result of these investigations, a scheme was drawn up by the Financial Committee in March 1928 for the financial reconstruction of Portugal and the issue of a foreign loan under the League's auspices. The Portuguese Government subsequently stated that certain clauses relating to supervision stipulated by the Council were not acceptable to it and that, under these conditions, it was obliged to renounce the scheme for a foreign loan.

4. *Agreement relating to the Financial Obligations resulting from the Greco-Bulgarian Convention on Emigration.* — The Financial Committee was requested by the Council to advise the President of the Mixed Greco-Bulgarian Emigration Commission on the technical aspects of the financial obligations of the Bulgarian and Greek Governments under the Greco-Bulgarian Convention on Emigration. It prepared an Agreement which was signed by the two Governments in December 1927.

The Agreement implements the Convention on Reciprocal Emigration which was signed at Neuilly in 1919, providing a mechanism for the indemnification of the exchanged populations for property left behind, and for the adjustment of the resulting debts between the two Governments. Bonds are to be issued to the refugees and a neutral bank is to be appointed by the Council for the deposit of bonds by the debtor State representing the half-yearly interest and amortisation of the debt incurred in indemnifying the refugees.

5. *Suppression of Counterfeit Currency.* — The Mixed Committee of representatives of banks of issue, jurists and representatives of prosecution authorities completed its draft Convention for the Suppression of Counterfeit Currency. After approval by the Financial Committee, the draft was communicated by the Council in December 1927 to all States, and also to all banks of issue. The Council decided to convene a general conference in a year's time for the final adoption of a convention.

The draft Convention contains eleven articles. It provides for the unification of domestic legislation to ensure that criminals shall in no case be able to escape punishment, but shall, on the contrary, be faced in all countries with penal measures which are severe and as far as possible certain. The list of recognised criminal offences punishable with adequate penalties shall include all fraudulent manufacture or counterfeit of currency, no matter what means are employed for this purpose, and all fraudulent uttering of currency, including the act of bringing into the country or of being in possession of falsified or counterfeited currency with a view to uttering it, the word "currency" being understood to mean paper money or metallic money which is legal tender. In no case shall a breach of the Convention be deemed a political offence owing to the political motive of the offender.

It also provides for the establishment of a police organisation to ensure the rapidity and co-ordination indispensable to the efficacy of all enquiries of which offenders are the subject. Investigations shall be organised in each State, so far as national legislation permits, by a central police office, which will receive all information of a nature to facilitate the investigation, prevention and punishment of counterfeiting. The central offices of the different States will correspond directly with each other.

In order to ensure, improve and develop direct international co-operation in the prevention and repression of

counterfeiting, the representatives of the central offices of the contracting parties will hold periodical conferences with the participation of representatives of the banks of issue and of the central authorities concerned. The organisation and management of a central international information office might form the subject of one of these conferences.

Pending the creation of this international central office, the Committee considers it advisable that the International Police Commission at Vienna should continue its work, which is fully appreciated by the Committee, with the greatest possible support of the contracting parties. The information before the Committee shows that, in centralising information in connection with counterfeiting currency, the office at Vienna is carrying out work on similar lines to that which will be assigned to the proposed international office.

The draft Convention further provides that any disputes which may arise between the contracting parties regarding the interpretation or application of the Convention shall, if they cannot be settled by direct negotiation, be referred to the Permanent Court of International Justice.

In communicating this draft to Governments, the Council drew their attention to the importance of immediately constituting the national offices contemplated in the draft Convention and of beginning the work of unification essential to the efficacy of the Convention.

6. *Monetary Statistics.* — At the suggestion of the Financial Committee, a meeting—the first of its kind—of representatives of the information and statistical services of twenty-five banks of issue was held at the Bank of France in April 1928, with a view to improving monetary statistics. The following banks were represented : the National Banks of Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, England, Estonia, Finland, France, Germany, Greece, Hungary,

Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Roumania, Kingdom of the Serbs, Croats and Slovenes, Spain, Sweden, and Switzerland, the Federal Reserve Bank of New York, and the Federal Reserve Board.

The meeting was not concerned with problems of monetary policy. The discussions were limited to the work of the information and statistical services and were directed to the examination of the characteristic features of the different money markets, the volume of money and of credit, clearing statistics, the velocity of circulation, indices of economic activity and, finally, to the definition of the different rates of money and the manner in which these rates are quoted.

The delegates' primary object was to find means of rendering monetary statistics more comparable and easier to interpret. The meeting also discussed the conditions under which information on these subjects might be exchanged between banks.

*7. Purchasing Power of Gold.* — On the recommendation of the Economic Consultative Committee, the Council has referred to the Financial Committee a new task—an enquiry into certain aspects of the fluctuations of the purchasing power of gold. In a preliminary report to the Council, the Financial Committee recalled that the Genoa Conference had declared that the first stage in monetary reconstruction was to prevent currency fluctuations in relation to gold; the second, to prevent undue fluctuations in the purchasing power of gold itself. The Financial Committee added that, in its opinion, the first stage might be regarded as nearing its conclusion, various countries having already stabilised their currency or being about to do so. It considered that the time was ripe for a study of the problems which the second stage involved. The Council accordingly instructed the Financial Committee in June last to examine to what

extent and in what way the League could most usefully co-operate in the study and solution of the question of undue fluctuations of the purchasing power of gold.

#### V. THE ASSEMBLY AND THE ECONOMIC AND FINANCIAL WORK OF THE LEAGUE.

The League's economic and financial work was fully discussed by the Assembly, both at plenary meetings and in committees. It expressed its confidence that the Economic Organisation would successfully carry out the important tasks assigned to it, dealing with them, if necessary, in an order corresponding to their respective importance and urgency and the possibility of reaching practical results with due regard to the manifold and occasionally divergent interests involved.

The Assembly set forth as follows the points upon which the Economic and Financial Organisation should bring its main efforts to bear : (1) the framing of a doctrine in regard to commercial policy and the preparation of collective agreements to facilitate by a milder Customs régime the movement of certain products which are of special importance, or which lend themselves more particularly to treatment of this kind; (2) the continuation of the investigations undertaken in regard to veterinary measures in order to enable such regulations to be cleared from a suspicion of veiled protectionism; (3) the conclusion at the earliest possible moment of the preparatory work for the establishment of a simplified and uniform Customs nomenclature in order to facilitate tariff agreements and increase the efficacy of the most-favoured-nation clause; (4) a study of the problems relating to coal and sugar without neglecting any of the interests involved, whether of producers or consumers—countries or persons—or workers; (5) a study of certain aspects of the problem of international industrial understandings—in particular, the status of such

understandings—their juridical forms, the legislation controlling them and the publicity concerning them.

The Assembly finally stated its opinion that the successful attainment of the objects contemplated by the Economic Conference would generally depend upon the measure in which it would prove possible to harmonise the interests of agriculture and industry, account being taken, *inter alia.* of the particular position of countries which are mainly agricultural or in the early stages of industrial development.

## CHAPTER VI.

### COMMUNICATIONS AND TRANSIT ORGANISATION

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*Road Traffic. — Inland Navigation. — Maritime Navigation. — Air Navigation.  
— General Questions connected with Various Means of Transport. — Action  
taken on Resolutions of the Conference of Press Experts. — Reform of the  
Calendar. — Communications of the League of Nations at Times of Emergency.  
— Requests from Railway Companies.*

This Organisation continued its examination of questions that had already been studied (road traffic, inland and maritime navigation, unification of transport statistics and combined transport), and of fresh problems raised by the General Conference on Communications and Transit of August 1927 (1), by the Council, or by the Assembly (air navigation, freedom of transit, resolutions of the Conference of Press Experts, etc.).

The results obtained may be summarised as follows :

#### I. ROAD TRAFFIC.

In agreement with the *Union internationale des Villes* and working in close touch with the *Association internationale des Automobiles Clubs reconnus* and the *Alliance*

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(1) See "The League of Nations from Year to Year, 1926-1927", pages 88 et seq.

*internationale du Tourisme*, the Road Traffic Committee drew up a scheme for the standardisation of road signals. It also pursued its study of the unification of the rules of the road and undertook the investigation of two new problems. One of these relates to the taxation of foreign tourists' motors, in so far as it affects international touring. The other, which may be of considerable general importance in the future, deals for the first time with the international aspect of commercial motor transport. This form of transport, both of passengers and goods, is developing more and more, and it is probable that general international regulations may shortly become necessary. The preliminary enquiries undertaken by the Committee had special reference to the question whether the Customs facilities afforded touring motors by the triptych might be extended to commercial motors.

## II. INLAND NAVIGATION.

In collaboration with the River Commissions, the Inland Navigation Committee prepared a draft convention on certain points of river law (registration, ownership, mortgages and liens, compulsory execution). It also considered a draft convention on administrative measures for attesting the nationality of vessels used in inland navigation. It drew up two questionnaires, one on liability for damage caused by collision, the other on the jurisdiction of the Courts in the matter of collisions.

## III. MARITIME NAVIGATION

The proposals for unification of buoyage and lighting of coasts submitted to Governments last year were considered in the light of suggestions and objections made by various Governments. The Directors of the Lighthouse and Buoys Services of several countries were requested to proceed to

special studies, and undertook an enquiry in the United States and Canada, where they received every assistance from the local authorities. It would seem that the results obtained were such as to secure some measure of agreement between the services concerned in Continental Europe and North America, and that this circumstance opens up the prospect of almost worldwide standardisation. The original proposals will be modified in consequence.

Great progress was made in the unification of maritime tonnage measurement, in which all the important maritime Powers are co-operating.

#### IV. AIR NAVIGATION.

In pursuance of resolutions of the 1927 Assembly and the Third General Conference on Communications and Transit (1927)—both relating to questions of air navigation, the Committee for Communications and Transit decided to appoint a Committee of Specialists to examine this group of questions.

The Assembly resolution concerned the establishment of economic co-operation between air navigation undertakings, that of the Conference the problem of the general international organisation of air navigation.

Several organisations, including the International Air Navigation Commission (which, incidentally, is under the authority of the League) and the International Technical Committee of Legal Experts for Air Navigation, had already considered a number of international problems connected with air transport. But the view of the General Conference on Communications and Transit was that it would be highly desirable to study how the greatest possible measure of co-ordination could be obtained in international work on air navigation, in order to secure the co-operation of as many countries as possible.

## V. GENERAL QUESTIONS CONCERNING VARIOUS METHODS OF TRANSPORT.

A new Committee, appointed as a result of the 1927 Transit Conference, was instructed to examine transport statistics concerning both inland and maritime navigation, with a view to their unification. Its first session showed that the needs of both classes of statistics could be easily reconciled. It will ultimately examine the possibility of standardising railway statistics on the same basis. It is keeping in touch with the experts responsible for the unification of Customs nomenclature (1).

The investigation of the question of *combined transport* with a single transport document showed that the establishment of such a document between maritime or inland navigation transport and railway transport presented fairly serious difficulties, in view of the legal differences between these documents in a large number of countries. On the other hand, in the matter of *combined transport* between railways and air navigation, it was found possible to make definite recommendations which are being considered by the Governments and the Government Departments concerned.

The Committee on Communications and Transit was instructed by the General Conference of 1927 to consider and propose measures to ensure *freedom of communications and transit* at all times. After examining this question, the Committee concluded that it was its duty to study, by any method which it thought best suited to the purpose, any situation created by obstacles to freedom of transit brought to its notice by a Government, by the Council, by the Assembly, or by one of its Members. Before proceeding further with the matter, the Committee would advise the countries concerned.

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(1) See preceding chapter on the "Economic and Financial Organisation".

The draft agreement on the subject of *transit cards for emigrants* proceeding from Europe to overseas countries, to be issued by shipping companies in lieu of consular visas, was prepared by a Special Committee and submitted to Governments for observations. After examining the replies, the Committee for Communications and Transit proposed that the Council should convene a European Conference to draw up an international agreement.

## VI. ACTION ON RESOLUTIONS OF THE CONFERENCE OF PRESS EXPERTS.

The execution and technical study of resolutions of the Press Experts' Conference of August 1927 were the subject of decisions of the Council and were considered by the Transit Organisation.

In December 1928, the Council examined the numerous and varied resolutions referred to it, which were all designed to facilitate the solution of international technical problems with which the Press is faced. It noted that they all aimed at promoting peace and international co-operation, in accordance with the principles of the League, and stated that, in its view, their application would contribute in a large degree to the removal of misunderstandings between nations. It decided to draw the attention of Governments to such Conference resolutions as called for action on their part, requesting them to inform the Secretary-General of any measures they might be able to take.

The Transit Committee began the technical studies called for by the Conference resolutions on telegraphic and telephonic questions, code telegrams, the improvement of communications, the transport of newspapers and identity cards for journalists.

The Chairman and the Secretary-General of the Committee were instructed to make a general study of Press facilities as regards communications between Geneva and the rest of the world in order to meet, as far as possible, the requirements of journalists.

On one important point, journalists have already obtained satisfaction, thanks to the joint efforts of the Transit Organisation and the British, French and Swiss Telegraphic Administrations. The International Association of Journalists accredited to the League complained on November 8th, 1927, of the delay in the transmission of telegrams from Geneva to London, and accordingly of telegrams transmitted via London to non-European countries, pointing out that this delay was prejudicial, not only to the interests of journalists, but also to those of the public and indirectly to those of the League of Nations itself. The Council, in December, invited the Transit Organisation to deal with this question. As a result of negotiations between the League and the British, French and Swiss Telegraphic Administrations, a through wire between Geneva and London was established on February 20th, 1928, for Press telegrams concerning the League.

In addition, a Special Committee consisting of high officials from the British, French, German and Italian telegraphic administrations, the Director of the International Telegraphic Union at Berne, a representative of the International Cable Companies' Association and directors of some of the important Press agencies, proceeded to examine all the recommendations of the Press Conference which relate to telegraphic and telephonic questions.

The question of the abolition of Customs formalities for transport of newspapers will be studied at the end of 1928, that of the transport of newspapers by rail at the beginning of 1929. The transport of newspapers by air will be examined at the next Conference of the Universal Postal Union.

In the meantime, the International Air Traffic Association has, at the request of the Committee for Communications and Transit, set up a special Committee on which representatives of distributing agencies, as well as representatives of the air companies, have been invited to sit, in order to study the question of newspaper transport by air.

The resolution concerning reductions of railway fares for journalists will be referred to the Committee of the International Railway Union. The Committee for Communications and Transit was of opinion that it would be better for Press associations to undertake negotiations to obtain exemption from the general rules as regards passport visas. It decided to consider the institution of international identity cards for journalists.

## VII. REFORM OF THE CALENDAR.

As a result of enquiries made during previous years concerning the reform of the calendar, the Committee for Communications and Transit, in a report communicated to all Governments, put forward recommendations relating to the fixing of Easter and also to the general question of the simplification of the calendar, and the adoption of a perpetual calendar better calculated than the present one to meet the requirements of economic life. Having considered the schemes proposed, the Committee suggested that national committees should be established to consider the reform of the calendar, such committees to be really representative of the administrations and circles concerned, and to report to the League on the subject. It would then be possible once more to consider whether it would be advisable to convene an international conference. The information received shows that the preliminary steps are being taken. An American National Committee has been officially established and has begun

work. It includes representatives of the Ministries concerned and of commercial, statistical, banking, labour and other circles qualified to speak on the matter.

### VIII. LEAGUE COMMUNICATIONS IN TIMES OF EMERGENCY.

The Committee for Communications and Transit arranged for an enquiry to be made concerning the identification of aircraft engaged in transport for the League, and the facilities for flying over various territories to be granted to such craft.

It considered a plan for a landing-ground near the seat of the League and the creation of a League wireless station (1).

### IX. REQUEST FROM RAILWAY COMPANIES.

The Committee for Communications and Transit had to consider requests from railway companies whose lines as a result of the Peace Treaties are situated in the territory of several States. In the event of a dispute concerning the administrative and technical reorganisation of these lines, the Treaties provide for application to the Council for the appointment of arbitrators.

One of these applications was from the Sopron-Kőszeg Company, whose line lies in Austria and in Hungary, another from the Boldva Valley Company, whose line lies in Hungarian and in Czechoslovak territory.

On both questions the Council sought the opinion of the Committee for Communications and Transit. That body, after a preliminary examination, recommended as a first step that the parties should be given time to come to a friendly agreement. As agreement was not reached in the case

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(1) See also Chapter II—"Arbitration, Security and the Reduction of Armaments".

of the Sopron-Köszeg Company, the Council appointed three arbitrators to settle the dispute between the Governments concerned and the Company. In the second case, negotiations are still proceeding, and the Chairman of the Committee for Communications and Transit has been invited to lend his good offices to the parties.

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In September 1928, the Assembly, after reviewing the work of the Transit Organisation, invited it to devise, if possible, some means of establishing international agreements for the equitable distribution of wave-lengths among the various countries, in order to diminish the probability of disturbances in wireless broadcasting.

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## CHAPTER VII.

### THE HEALTH ORGANISATION

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*Epidemiological Information and Public Health Statistics. — Liaison between the Health Services of the Various Countries : Interchanges. — Work of the Commissions : Malaria Commission; Commission on the Standardisation of Biological and Serological Products; Cancer Commission; Smallpox and Vaccination Commission; Commission of Expert Statisticians; Sleeping-Sickness Commission. — Collaboration with various Countries : Latin America, the Congo, Greece, Bulgaria.*

The expansion and improvement of the Epidemiological Intelligence Service, the liaison between the Health Services of various countries (more especially by means of interchanges of health personnel) the definition of principles and methods of anti-malaria work, endeavours to devise practical solutions for the problem of infant mortality and other questions of preventive medicine, agreement in regard to the standardisation of serological and biological products, investigations regarding cancer, smallpox and vaccination, and the preparation of a second International Conference on Sleeping-Sickness, were the main features of the work of this Organisation, whose activities now extend to all parts of the world.

#### I. EPIDEMIOLOGICAL INFORMATION AND PUBLIC HEALTH STATISTICS.

The progress made in 1927 mainly concerns the scope and compilation of the information received, which is published in weekly, monthly and annual reports. It can be said

that all countries able to supply epidemiological information now furnish the Health Organisation with periodical reports on the incidence, prevalence, geographical distribution, character and gravity of transmissible diseases of importance from the point of view of public health.

In the autumn of 1927, a Conference of Expert Statisticians on Epidemiological Questions studied the most suitable methods for grouping, transmitting and publishing epidemiological information, its conclusions resulting in an improvement of the Intelligence Service. Agreements were concluded with the Office international d'Hygiène publique to enable Governments to make use of the regional bureaux of the Health Organisation for the notifications and communications contemplated by the International Sanitary Convention of 1926. To permit of the expansion of the Epidemiological Intelligence Service, the Rockefeller Foundation increased its subsidy from 50,000 to 60,000 dollars for 1929.

The Singapore Bureau was in telegraphic communication with 140 ports and was regularly supplied by the auxiliary centre at Melbourne with cabled reports on health conditions in the Pacific Islands. Thirty-five health administrations of the Far East informed the Bureau regularly of the arrival of infected vessels in ports under their jurisdiction. The Bureau also acted as a clearing-house for the investigation of certain problems (plague, cholera, etc.) which are of interest to health administrations in the Far East.

## II. LIAISON BETWEEN THE HEALTH SERVICES OF THE VARIOUS COUNTRIES : INTERCHANGES.

A second International Health Course (the first was held in Paris at the beginning of 1927) was organised in London at the end of 1927. It was attended by nineteen participants from seventeen public health administrations.

It is, however, more especially by interchanges that liaison is maintained between the various health services. One of these interchanges, organised in Germany in the autumn of 1927, was attended by twenty-five officials from twenty-one health administrations. In India, fifteen health officials from twelve administrations met in January and February 1928, to study in eight provinces recent developments in the field of preventive medicine and public health.

In the summer of 1928, the first interchange for the study of rural hygiene was held. Twenty officials from eighteen countries visited rural districts in Belgium, France, Germany, Hungary, the Netherlands and the Kingdom of the Serbs, Croats and Slovenes. They made a detailed comparative study of rural housing, water and milk supply, sewage systems and the disposal of sullage water, public hygiene and the organisation of medical services, as well as the work of the semi-official or private health organisations. Six sanitary engineers took part in this interchange.

In order to promote relations between European, Far-Eastern and Latin-American experts, the Rockefeller Foundation granted a subsidy of 50,000 dollars for interchanges in 1928.

A certain number of individual fellowships were granted to officials nominated by their Health Administrations, with a view to special studies.

### III. WORK OF THE COMMISSIONS.

*1. The Malaria Commission.* — In the light of its investigations and studies since 1924, this Commission defined the principles and methods to be recommended in the campaign against malaria in Europe.

This year's session was attended, not only by all the corresponding members and experts of the Commission, but

also by seven representatives of the United States Public Health Service and the International Health Board of the Rockefeller Foundation.

The resolutions and recommendations of the Commission are intended for the use of health services faced with the problem of combating malaria, and embody the views of the world's leading malariologists on the cheapest and most effective methods that can be applied in European conditions. They may be briefly summarised as follows :

(a) The Commission took the view that the prevention of malaria must be guided by scientific knowledge. Accordingly, it considered that it was necessary that malaria-infested countries should possess organisations for the systematic and specialised study of malaria. The Commission considered that these organisations should be scientific in character and deal with research rather than with measures of application, with malaria solely and specifically rather than with malaria as part of the study of public health.

(b) The Commission did not recommend the utilisation of all available methods of malaria prevention in the same locality at the same time. It considered it preferable to employ, according to circumstances, one or two methods which, with the means available, could be brought above the standard called minimum effective degree of perfection.

(c) Subject to certain definite limitations based on the knowledge of the region, it held that there should be considerable freedom of choice as regards the particular methods of malaria control to be adopted. The fact that measures had succeeded in one region was not in its opinion a guarantee of their

success in another where, perhaps, circumstances and conditions are quite different.

(d) The Commission was of opinion that the first duty of Governments which have to organise anti-malaria measures is the care of malarious sick, and that the second consists in studying in detail the different local aspects of the problem, with the object of choosing and carrying out the most efficacious, cheapest, and best adapted method or methods in its solution.

(e) The improvement of the conditions of the inhabitants which results from the development of drainage schemes is in its view one of the determining factors in the regression of malaria. The work done is only efficacious in so far as it produces intensive cultivation of the ground. It is certain, moreover, that the use of antilarval measures, whilst more extensive works are being carried out, is of great value inasmuch as it reduces the anopheline density and serves to bridge the dangerous period which accompanies and follows such undertakings.

In addition to these recommendations, the Commission drew up a programme of international study bearing on :

(a) Dwellings and malaria, taking account of conditions in tropical, sub-tropical and southern countries.

(b) The study of the malaria-carrying mosquito in the different countries. This study will be made from the point of view of the conveyance and prevention of malaria.

(c) The practical importance of the intensive use of quinine in preventing malaria.

*2. The Commission on the Standardisation of Biological and Serological Products.* — This Commission, endeavours to

establish and to secure the adoption of international standards which may serve as units of measure for the potency of sera and, in general, of serological and pharmacological products. It concluded an important part of its work during the course of the year.

The results so far achieved are due to long and minute researches in the principal institutes of the world, co-ordinated by two laboratories acting for the Health Organisation—the State Serum Institute at Copenhagen for serological studies, and the National Medical Research Council in London for the examination of pharmacological products.

An agreement was reached for the standardisation of a whole series of important sera, such as anti-diphtheritic, anti-tetanic and anti-dysenteric sera, and for the method of examination of pharmacological products, such as the arseno-benzenes, etc. The unit of insulin recommended at the Geneva meeting of 1926 is to-day universally adopted.

The report and conclusions of the Commission were forwarded to Governments and to the competent authorities of the various countries.

Furthermore, this Commission undertook to determine the comparative value of the tests used in the diagnosis of syphilis. Forty experts, from seventeen countries, met at the State Serum Institute at Copenhagen to compare methods.

The Conference considered that, in view of the constant improvement of methods for the sero-diagnosis of syphilis, it would be desirable for the Health Organisation to continue its investigations (1).

3. *The Cancer Commission.* — In the autumn of 1927, this Commission concluded an important part of the investi-

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(1) In pursuance of this recommendation, a Committee of Experts met at Geneva from October 8th to 10th, 1928, to draw up a plan of enquiry into syphilis treatment.

gation begun in 1923. Its work has shown the utility of the international and local co-operation of medical practitioners, surgeons, health experts and statisticians. It has accustomed these various classes of experts to engage in collective and co-ordinated enquiries.

The Commission decided to concentrate in future on the study of two questions in which it seemed possible to achieve rapid practical results, viz. occupational cancer and the radiological treatment of cancer of the uterus.

Certain occupations (cotton-spinning, briquette making, work in cobalt mines, branches of aniline-dye work and occupations in which the workers are particularly liable to exposure) increase the frequency of cancer. But there is a very irregular distribution of cancer in different countries, even in the same industries. It appeared to the Commission that valuable lessons on the causation of cancer could be learned from an intensive study of the causes of this unequal distribution.

Moreover, although the value of radiological treatment of cancer has been demonstrated by experience, there is nevertheless a lack of agreement as to the precise action of the rays and the best methods of applying them. The Commission felt that a study of the methods applied in the radiological institutes of various countries would be of practical value.

4. *The Smallpox and Vaccination Commission.* — During the year, this Commission studied the question of post-vaccinal encephalitis—one of capital importance, both from the epidemiological and from the prophylactic points of view. It interests several countries where cases have been reported, more especially England and the Netherlands. In the latter country, the application of the law concerning compulsory vaccination at school age has just been suspended for a year in view of this serious, though rare, complication.

By way of conclusion, the Commission emphasised in the first place the rarity of cases of post-vaccinal encephalitis, even in the countries specially affected, compared with the number of vaccinations. It agreed that, in the present state of knowledge, post-vaccinal encephalitis must be regarded as a different disease from *encephalitis lethargica*. Finally, the Commission declared that none of the facts considered justified the belief that there was any reason for discontinuing the use of vaccination, which remained the most powerful weapon against smallpox. It drew attention, however, to the advantage which might result from practising primary vaccination during early infancy rather than at later ages of childhood.

5. *The Commission of Expert Statisticians.* — Two important problems were dealt with by this Commission. The first related to mortality, the second to morbidity statistics.

The estimation of mortality and the determination of its causes are indispensable factors in establishing the bill of health of a community. This shows how necessary it is to secure uniformity and to develop methods enabling statistics to be obtained which are complete and comparable as between the different countries. This was the task which the Commission undertook in studying the revision of the International List of Causes of Death. Its report was forwarded to the administrations concerned during the year; a draft nomenclature which it has prepared will be combined with another scheme, prepared by the International Institute of Statistics.

The Commission also studied the question of morbidity, which is a more exact indication than the mortality figure of the losses and burdens of a community. At the present time, the Commission is collecting, classifying and interpreting extensive material and is co-ordinating researches made in various countries in order to establish, if possible, an international list of causes of morbidity.

6. *The Sleeping-Sickness Commission and Other Commissions.* — The Sleeping-Sickness Commission, which was set up on the recommendation of the International Sleeping-Sickness Conference of 1925, finished its work during the year. The results achieved appeared of indisputable value for the more effective co-operation of the health administrations concerned.

In order that this work may be examined, and possibilities of action discussed, the Council decided, in agreement with the Governments concerned (Belgium, France, Great Britain, Italy, Portugal and Spain), to convene a second Conference on Sleeping-Sickness in Paris in the autumn of 1928 (1).

*The Commission of Health Experts on Infant Welfare* considered the first results of an enquiry undertaken simultaneously in a number of European and Latin-American countries. A *Joint Commission of Experts for the Study of the Relations between Public Health Services and Sickness Insurance Organisations* continued its enquiries with regard to preventive measures against tuberculosis and the protection of maternity and children below school age. *The Commission on Education in Public Health and Preventive Medicine* drew up a programme for the co-ordination of certain work carried on in the health institutes of Eastern Europe. *The Opium Committee* undertook investigations concerning eucodal and dicodide which proved that these substances were narcotics and should therefore be brought under the 1925 Opium Convention. Its findings were forwarded by the Council to Governments for such action as they might think desirable.

#### IV. COLLABORATION WITH VARIOUS COUNTRIES.

*Latin America* : In agreement with the Argentine and Brazilian Governments, the Council adopted a scheme of

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(1) This Conference was held in Paris on November 5th, 1928.

co-operation with various countries of Latin America. The relations between the Health Organisation and these countries have been strengthened and extended as a result of the tour of enquiry undertaken last year by the Chairman of the Health Committee. This scheme comprises, in particular, an enquiry into infant mortality, the setting up of a leprosy research centre in Brazil, and the co-ordination of the research work on leprosy and syphilis undertaken in the institutes of Brazil, Uruguay and the Argentine.

In March 1928, the Council voted a sum of 83,000 gold francs for the co-operation of the League Health Organisation with the public health and medical authorities of Latin America.

*Congo* : The Belgian Government suggested that the Health Committee might endeavour to promote co-operation between the Colonial administrations concerned in the campaign against yellow fever in the Congo estuary.

The Epidemiological Intelligence Service had published information which showed that there was a recrudescence of yellow fever in West Africa. The disease reappeared in 1925 in Nigeria, on the Gold Coast, on the Ivory Coast, and in the French Sudan. In 1926, cases appeared in Dahomey, the Upper Volta and Senegal (the first infection in Senegal was in 1912). In 1927, there were fresh outbreaks in Senegal and in certain localities of the Gold Coast Colony; later, the disease spread to Gambia, Portuguese Guinea, Liberia and Togoland, and at the end of the year to Boma and Matadi in the Belgian Congo. Reports of 257 cases were received during the year and were obviously not exhaustive.

The Committee put itself at the disposal of the interested Governments for the consideration of any action that they might agree to recommend to the Health Organisation.

*Greece* : The Financial Committee, which supervises the refugee settlement work, was deeply concerned at the number

of tuberculosis cases in the refugee colonies. The Health Committee accordingly decided, on the recommendation of the Council, that the services of the Health Organisation should be placed at the disposal of the Greek Health Administration to assist in a campaign against this scourge.

Following an exchange of telegrams with the Greek Health Service, the Secretary-General placed an expert at the disposal of the Greek Government to assist it in the campaign against the epidemic of dengue which broke out in Greece in the summer of 1928.

*Bulgaria* : Following the earthquake which ruined part of Bulgaria, the Health Organisation offered the Bulgarian health authorities the services of a special Commissioner to assist in the health campaign they had undertaken. The Commissioner secured the collaboration of the Polish, Roumanian and Serb-Croat-Slovene Governments, which provided staff and equipment, thus enabling him to organise a medical service.

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## CHAPTER VIII.

### INTELLECTUAL CO-OPERATION

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*University Relations. — Intellectual Property. — Arts and Letters. — Science and Bibliography. — Education of the Young. — The Assembly and Intellectual Co-operation. — Foundation of the International Educational, Cinematographic Institute.*

Considerable progress was made during the year in the various fields of intellectual co-operation : university relations, intellectual rights, arts and letters, science and bibliography, education of young people.

When the Assembly considered the work of the Committee on Intellectual Co-operation and of the International Institute, the Rapporteur, M. Gallavresi (Italy), recalled that "the leading idea of the League of Nations when it began its work in connection with intellectual co-operation was to achieve, in a field where the special tendencies and traditions of the various peoples are of dominant importance, a co-ordination of effort which would ensure better mutual comprehension among these nations. Inasmuch—he went on to say—as an active intellectual life in the different countries is the essential condition of any fruitful co-operation, the development of local bodies designed to promote this object must be hailed with the greatest satisfaction". He recorded as a decisive step in this direction the formal establishment of National Committees on Intellectual Co-operation in Spain and Germany, the organisation of a British Committee, and the re-organisation of the Italian and certain other National Committees.

The international character of the Institute of Intellectual Co-operation in Paris was still further emphasised by the grant of new subsidies from various countries, which came as an addition to the main funds provided by the French Government.

The Chairman of the Committee on Intellectual Co-operation, Professor Lorentz (Netherlands), died during the year, and the Committee appointed Professor Gilbert Murray (Great Britain) to succeed him in the Chair. The Council appointed M. Susta (Czechoslovakia) to replace M. Lorentz as member of the Committee.

### I. UNIVERSITY RELATIONS.

Efforts to secure co-operation and co-ordination in this field centred more especially around the work of scientific institutes of international and political study, university offices and international students' organisations. Thanks to a subsidy from the American National Council on Education, a general register of all organisations for the promotion of interchanges in Europe was published, and a second edition is in preparation. International agreements to encourage interchanges of teachers and to provide for their methodical preparation are being studied.

The Committee on Intellectual Co-operation authorised the Institute to publish an annual list of advanced holiday courses in Europe. At its last session, in July 1928, it instructed the Institute to study, in collaboration with the International Students' Organisation and specially qualified experts, a scheme for the publication of an international guide for students going abroad. It further instructed it to refer the question of national and international post-graduate scholarships to a committee of experts, with a view to the application of this system, not only to scientific laboratories, but also to institutes for the study of humanities and sociology.

## II. INTELLECTUAL RIGHTS.

A new preliminary draft Convention on Scientific Property, the object of which is to secure to scientists pecuniary benefits justified by the profitable use of their discoveries, was prepared by a special Committee of Experts. The Council requested the Secretary-General to forward this draft to Governments with an explanatory note as to methods of applying the Convention, which would protect industrial concerns utilising scientific discoveries against any restriction of their economic activity.

As regards authors' rights, the Rome Conference for the revision of the Berne Convention adopted several amendments based on recommendations of the Committee on Intellectual Co-operation, particularly with regard to moral rights (*i.e.* the author's right to prevent his work being altered without his approval).

The International Statistical Conference, which met in Cairo, and at which the Institute for Intellectual Co-operation was represented, passed resolutions emphasising the practical utility of co-ordinating intellectual statistics, with a view to promoting international relations and providing a survey of the intellectual resources of each country. The Committee on Intellectual Co-operation requested the Council to invite Governments to facilitate the application of these resolutions by their administrations.

In July 1928, the Committee instructed the Institute to study a scheme for an amendment of Customs nomenclature by which scientific works, more particularly those intended for libraries or scientific institutes, should be exempted from Customs duty.

## III. ARTS AND LETTERS.

The most interesting results in this field were obtained by the International Museums Office.

International exhibitions of prints similar to those held last year in Madrid, Paris and Rome, were organised in Brussels, Liége, London, Birmingham and Buenos Ayres.

A committee of the directors of some of the most important museums in Europe and the United States was convened, which prepared an agreement between the various cast workshops for the preparation of a list of the principal cast workshops of the world and a general review of their production; for the compilation of an international repertory of moulds so as to determine what works of art it would seem desirable to cast; for the co-operation of official cast workshops in the joint execution of expensive or difficult casts; for the organisation of joint exhibitions, etc.

Another body of experts studied the educational rôle of museums, recommending the inclusion in school curricula of one "museum hour" a week or every fortnight; the constitution, in cities where there are no museums, of collections of documents, photographs and casts; the opening of museums in each country at hours outside the ordinary working hours; and the exhibition, free of charge, of objects that can be studied by artificial light.

With the assistance of the Czechoslovak Government, and in collaboration with the International Committee and the National Committees on Intellectual Co-operation, the Institute organised an International Congress of Popular Arts, to be held at Prague in October 1928.

In the matter of literary relations, the Institute concluded an agreement with the Federation of the P. E. N. Clubs with a view to facilitating the translation of literary works. By this agreement, the P. E. N. Clubs, acting in conjunction with the National Committees on Intellectual Co-operation, will give information as to works which it would be desirable to translate and also with regard to available translators, in order to ensure a high standard of work.

#### IV. SCIENCE AND BIBLIOGRAPHY.

On two points—the co-ordination of libraries and the preservation of written and printed matter—experts made recommendations which are at present before the Governments.

In regard to the co-ordination of libraries, experts representing the great libraries of Europe recommended, first, the creation in all countries possessing a national or central library of a national centre suitably equipped to direct intellectual workers to the libraries or special institutions where they would find the information they require. The equipment should include printed catalogues, bibliographies, biographies, etc.

Secondly, the experts recommended the establishment of an international centre to serve as a link between the national centres. This organisation would be connected with the Institute for Intellectual Co-operation in Paris. Its duties would be to encourage relations between national centres, while referring to them all requests for information.

Another Committee of Experts studied measures for the preservation of the ink and paper used in important documents. It examined the technical aspects of the question, and recommended that all newspapers should follow the example of English and American papers and have a special edition of each number printed on linen paper. They considered that permanent exhibition had most injurious effects upon documents of historical value and should be replaced by temporary exhibitions.

In July 1928, the International Committee invited the Institute to continue its work and enquiries on the co-ordination of bibliography, methods of editing critical texts, unification of linguistic terms, etc.

## V. INSTRUCTION OF YOUNG PEOPLE IN THE AIMS OF THE LEAGUE.

Several Governments addressed communications to the League concerning the steps taken to give effect to the resolutions on the instruction of youth in the aims of the League adopted by the Assembly in 1927. The British Government convened a conference of the local educational authorities of England, Wales, Scotland and Northern Ireland, with a view to adapting the resolutions to the special needs of the country.

Meanwhile the League Secretariat and the Paris Institute organised the centres of educational information provided for by the 1927 Assembly. The Secretary-General appointed two educational experts to prepare a special handbook for teachers, dealing with the constitution and working of the League of Nations, of the International Labour Organisation and of the Permanent Court of International Justice.

In July 1928, the Committee requested the Secretariat to supply educational reviews and authorities regularly with periodical summaries on the work of the League.

It further instructed it to collect, jointly with the Institute, and to publish twice yearly in a review, information concerning the instruction of youth in the aims of the League together with articles on the subject by prominent educational experts.

## VI. THE ASSEMBLY AND INTELLECTUAL CO-OPERATION.

In September 1928, the Assembly, expressing its general appreciation of the work of the Committee and the Institute, drew the attention of the Council and of Governments to a number of special points in the work on intellectual co-operation.

In view of the general identity of principles between the Berne Convention (as revised, first in Berlin and then in Rome) and the Copyright Convention signed in 1910 at Buenos Ayres by the American States (and revised in Havana in 1928), the Assembly requested the Council to instruct its competent organs to make all the necessary investigations and consultations regarding the desirability of a general agreement, having for its object the unification, on an international basis, of all laws and measures for the protection of intellectual property.

It requested Governments to give the greatest possible effect to the resolutions of the Committee on Intellectual Co-operation in regard to the creation, in the national or central library of every State, of an information bureau, the preservation of prints and manuscripts, the suppression of Customs duties on prints sent to libraries and recognised institutes, and the adoption of measures for the preservation and study of primitive languages which are dying out. It also called the attention of Governments to the danger of cinematographic performances and broadcasting characterised by a spirit antagonistic to that of the League.

It noted with satisfaction the readiness with which teachers in secondary and elementary schools had responded to the appeal for co-operation, and welcomed the organisation of national and international courses with a view to their special requirements. It expressed its gratification at the support received from those Governments which had offered teachers facilities for following these courses, and, convinced of the paramount importance of the training of teachers for this purpose, expressed the hope that similar facilities would be offered by other States Members of the League. It requested Governments to consider the need for the systematic organisation of the exchange of secondary school children during the summer holidays, with a view to developing a spirit of peace and international co-operation, utilising the

existing university offices or creating special organisations for the purpose. It further recommended that agreements be concluded between different countries to facilitate the international exchange of school children.

The Assembly also expressed the hope that the obstacles to the circulation of scientific and technical publications might, as far as possible, be removed.

#### VII. INTERNATIONAL EDUCATIONAL CINEMATOGRAPHIC INSTITUTE IN ROME : STATUTES.

The draft Statutes of the International Educational Cinematographic Institute in Rome, founded by the Italian Government, were finally approved by the Council.

Under the terms of these Statutes, the Institute will work under the direction of the Council, advised by the Committee on Intellectual Co-operation. The Governing Body will be composed of an Italian Chairman and of fourteen members, as far as possible of different nationalities, appointed by the Council.

The Secretary-General of the League, the Director of the International Institute of Intellectual Co-operation, the Director of the International Labour Office, and the President of the International Institute of Agriculture may be represented at the meetings of the Governing Body in an advisory capacity.

A standing Executive Committee composed of the Chairman of the Governing Body and five other members of different nationalities will supervise the working of the Institute. The Director will be appointed by the Governing Body.

The work of the Institute will consist mainly in the constitution of an international collection of films and cinematographic material and of a general catalogue of instructive films.

On September 26th, 1928, the Council took a general decision as to the composition of the Governing Body of the Institute, which will be presided over by Profes or Alfr. do Rocco (Italian), member of the International Committee on Intellectual Co-operation.

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## CHAPTER IX.

### POLITICAL QUESTIONS

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*The Hungarian Optants. -- Applications from the Lithuanian Government. -- Expropriation of Albanian Landowners and Position of Albanian Minority in Greece. -- Third Annual Report of the Straits Commission. -- Communications from the Persian Government concerning the Bahrein Islands. -- Communication from the Japanese Government on the Tsi-nan-fu Incidents. -- Communication from the British Government on the Briand-Kellogg Pact.*

The two most important political questions dealt with by the Council concerned the Hungarian optants and Polish-Lithuanian relations. An Albanian request concerning the expropriation of Albanian landowners and the position of the Albanian minority in Greece was also considered.

The Straits Commission submitted its third annual report to the League. The communications sent to the Secretary-General for transmission to States Members included notes from the Persian Government concerning the Bahrein Islands, from the Japanese Government on the Tsi-nan-fu incidents and from the British Government on the Briand-Kellogg Pact.

#### I. THE HUNGARIAN OPTANTS.

The question of the Hungarian optants figured on the agenda of all sessions held by the Council from October 1927 to September 1928.

The endeavours of the Council to settle this question, which had been before it since 1923, led to its decision of September 21st, 1928, recommending the Hungarian and

Roumanian Governments, "while reserving their point of view in regard to the principles involved and the legal situation, to take steps to enable their plenipotentiaries to meet as soon as possible, furnished with the necessary powers to come to a practical settlement of the question."

During the year under review, this question passed through the following principal phases :

(a) *The Hungarian Government rejects the report of the Committee of Three. The Council decides to allow the matter to stand over (December 1927).* — In September 1927, the Council referred to the Roumanian and Hungarian Governments the recommendations of the British representative on behalf of the Committee of Three (1), asking them to conform to the principles therein set forth and inviting them to notify their decision before its December session.

On November 21st, 1927, the Hungarian Government informed the Secretary-General that, after further studying the text recommended, it was still unable to accept it. To render agreement possible on another basis, it had submitted to the Roumanian Government a proposal for a practical solution of the question.

The Roumanian Government on November 23rd, informed the Secretary-General that it accepted in its entirety the report of the Committee of Three, *i.e.*, it accepted it "as a whole with its conclusions."

The question was placed on the provisional agenda of the December session of the Council, but the Roumanian Foreign Minister, M. Titulesco, having fallen ill, the Rapporteur, Sir Austen Chamberlain, sent him a personal telegram advising him not to undertake the journey in his state of health and pending the complete examination by his Government of the proposal for direct negotiations

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(1) See "*League of Nations from Year to Year, 1926-1927*", pages 109 *et seq.*

between the parties without prejudice to their legal position or to the procedure before the Committee of Three and the Council. The Council endorsed this telegram on December 5th.

(b) *Further recommendations of the Council (March 1928).*

— In March, the Rapporteur was obliged to acknowledge that the Council's proposal for a friendly solution had failed to produce any result, because Hungary, who was ready to make a proposal for compromise, still felt unable to accept the principles to which the Council had asked the parties to conform; and because Roumania, while accepting in full these principles for herself, demanded that they should be accepted by Hungary as a preliminary to any arrangement.

Unwilling to admit that there was no possibility of agreement, he asked his colleagues whether they would recommend the Hungarian and the Roumanian representatives to agree that the Council should appoint two persons, nationals of States which were neutral in the war, to be added to the Mixed Arbitral Tribunal as established under the Treaty of Trianon (including the Roumanian member, who would be reinstated by his Government), and that to this Tribunal of five members should be submitted the claims filed by Hungarian nationals.

The Roumanian representative, M. Titulesco, said that he considered Sir Austen Chamberlain's proposal as supplementary to the report of September 1927 and to the unanimous resolution which the Council had passed at that time. He accepted it on condition that the two supplementary judges should be bound by the three principles contained in this resolution, saying he could not agree to a purely judicial solution—a form of settlement which had, as he thought, been considered unsatisfactory by the Council itself.

The Hungarian representative, Count Apponyi, said that he could not accept M. Titulesco's argument that the three

principles of the report should be binding on the supplementary judges. He fully adhered to Sir Austen Chamberlain's view as presented by the latter and without the amendment submitted by M. Titulesco.

Sir Austen Chamberlain said that he could not take the responsibility of fathering the change which the Roumanian representative proposed to make in his resolution. In his opinion, the Council might, as an act of courtesy to the Tribunal, send it the whole of the Minutes of the discussions including the resolutions. "Whatever resolutions we have taken", he said, "..... they are not contradicted by my proposal".

The French and German representatives supported the idea of sending the Minutes of the Council discussions to the Mixed Arbitral Tribunal.

At the request of M. Titulesco, the Council then decided to preface Sir Austen Chamberlain's resolution by considerations referring to its resolution of September 1927.

The text finally adopted read :

The Council, considering that the best method of settling the dispute was by friendly negotiation between the two parties, recommended that method to them in September 1927, and stated three principles which, in its opinion, might serve as an equitable basis for this negotiation.

Finding, however, that such friendly negotiation has not been possible between the parties, the Council, while considering its recommendation of September 19th, 1927, to be of value, and without modifying its views, which are contained in the Minutes of its discussions, submits unanimously for the acceptance of the parties the following recommendation :

That the Council should name two persons, nationals of States which were neutral in the war, who should be

added to the Mixed Arbitral Tribunal as established by Article 239 of the Treaty of Trianon (that is to say, that Tribunal including a Roumanian member, who would be restored to it by his Government), and that to this Arbitral Tribunal of five members there should be submitted the claims which have been filed under Article 250 of the Treaty of Trianon by Hungarian nationals who have been expropriated under the agrarian reform scheme in the territory of the former Austro-Hungarian Monarchy transferred to Roumania.

Count Apponyi accepted the resolution; M. Titulesco abstained from voting. Adhering to the practice followed in connection with its recommendation of September 1927, the Council decided to give the parties time for reflection. It again invited them to continue negotiations, and placed the question on the agenda of its following session.

(c) *The Roumanian Government rejects the recommendation of March 1928. The Council strongly urges the two parties to bring their long dispute to a close "by reciprocal concessions" (June 1928).* — In reply to the Council's invitation the Roumanian Government, on May 28th, expressed its regret that it could not accept the proposals. The Hungarian Government, on June 6th, confirmed its acceptance.

The Rapporteur, Sir Austen Chamberlain, then proposed that the Council should "urge" the two parties to bring the dispute to a close "by reciprocal concessions". After retracing the history of this affair and the successive efforts of the Council to settle it, he said that Hungary maintained her objection to the solution proposed in September 1927, and Roumania maintained her objection to that approved last March. As each of these proposals required the assent of both parties, neither could be imposed on either party against its will. The Council, having declined to enforce what was described as a sanction on the refusal of Hungary to accept the earlier proposal, would not, he presumed, think it proper

to proceed to sanctions against Roumania for her refusal of the proposals of March 1928.

Consequently, Sir Austen Chamberlain proposed a draft resolution, which was unanimously adopted, the Hungarian delegate abstaining. The resolution read :

The Council :

Whilst deeply regretting that the parties have hitherto failed to reach agreement on the lines of the Council's recommendations;

Without desiring to exclude any other friendly arrangement :

Remains of opinion that this dispute ought to be settled by the parties upon the basis of the solutions which the Council has recommended to their acceptance;

Maintains its resolutions of September 19th, 1927, and March 1928;

And urges the Governments of Hungary and Roumania to bring this long dispute to a close by reciprocal concessions.

Count Apponyi then set forth the doubts and objections which prevented him from purely and simply accepting the resolution. These bore, in particular, on the rôle of the Council in this affair, on the meaning and scope of the Council proposals of September 19th, 1927, and on the difficulties of an arrangement by conciliation between the parties.

He stated that the rôle of the Council did not seem to him to have been fulfilled by the recommendation containing this resolution, since it left in abeyance what was, in his opinion, a definite obligation imposed by the Treaty of Peace, that was, the appointment by the Council of deputy judges so as to enable the Mixed Arbitral Tribunal to continue its work.

The Rapporteur said that he would abstain from replying to Count Apponyi so as not to re-open the debate.

M. Titulesco remarked that, as a result of the resolution adopted by the Council, the question was now no longer before it and had been left to the goodwill of the parties. He read a proposal which the Roumanian Government intended to make to the Hungarian Government.

This proposal provided that, as soon as the Hungarian Government had notified the Roumanian Government of its acceptance, both Governments would ask the Council to appoint one of its Members from among those who had been specially interested in this question. The Member appointed would enquire, on the basis of the Council recommendations of July 5th, 1923, September 17th, 1927, and March 9th, 1928, whether, within the limits of the Roumanian Agrarian Law for Transylvania, there were any liquidations that had been prohibited by Article 250 of the Treaty of Trianon, and would, if necessary, fix *ex aequo et bono* the amount of compensation due to those nationals whose requests had been recognised as well founded on the basis indicated above.

The sums eventually to be allotted to certain of the claimants would be paid to them by the Hungarian Government and the deduction of those sums would be made from the reparations due to Roumania under the Treaty of Trianon.

Count Apponyi, while leaving it to his Government to give a definite and detailed reply to the Roumanian proposals, said that it would be impartially examined by Hungary in the sincere desire to find a solution.

Nevertheless, he foresaw at once that certain difficulties might arise, more particularly in the matter of balancing Roumania's obligations towards the optants against reparations due by Hungary.

To conclude, he declared that, should the result of the negotiations be negative, he would maintain before the Council, to its full extent, his request that neutral persons should

be appointed from whom the substitute judge might be chosen for the Mixed Arbitral Tribunal.

The President pointed out that, since the resolution submitted by the Rapporteur had been adopted by the Council, the question of the Hungarian optants was closed so far as the Council was concerned. Correspondence was then exchanged on the subject between the President of the Council and the Hungarian and Roumanian representatives.

In a letter to the President, Count Apponyi expressed the opinion that the Council's decision would only take the question out of its hands provided that an agreement were successfully reached between the parties or that the substitute judges were appointed. He recalled that he reserved for his Government the right to bring up again its request with regard to these appointments, should the negotiations not succeed.

M. Titulesco, in his letter, stated that, not merely were the declarations in Count Apponyi's letter contradicted by the report, by the resolution of the Council and by the whole discussion, and could not in any way alter the Council's decision to regard the question as closed so far as it was concerned, but also that these unilateral declarations in Count Apponyi's letter had already appeared in the Minutes. It would be seen from the Minutes that the President's reply had been called forth by these unilateral declarations.

(a) *The Council recommends that the plenipotentiaries should meet as soon as possible in order to come to a practical settlement (September 1928).* — On August 25th, 1928, the Hungarian Government, feeling, as the result of an exchange of notes and proposals with the Roumanian Government, that agreement was not possible, sent the Council a request based on Article 239 of the Treaty of Trianon and on Article 13, paragraph 4, and Article 14 of the Covenant, accompanied by an

application to place the matter on the agenda and to deal with it at one of the first meetings of its fifty-first session.

The Hungarian Government asked, among other things, that the Council should appoint two deputy judges to the Mixed Roumanian and Hungarian Arbitral Tribunal; that it should, if necessary, take steps with a view to arbitration by the Permanent Court of the question whether the Tribunal had exceeded its powers; and that, should the Council hold that it was not bound under Article 239 of the Treaty of Trianon to provide for the future functioning of the Tribunal, it should seek the advisory opinion of the Court on this subject.

The Hungarian Government also asked that certain questions should be examined by the League Financial Committee.

The Council decided on September 1st to place the question on its agenda and to examine it at its fifty-second session, which was to open on September 11th. It subsequently received the notes exchanged by the Roumanian and Hungarian Governments between August 29th and September 10th. As these documents showed that there was some possibility of arriving at an amicable settlement and, in the first place, of concluding an agreement in regard to the preliminary conditions for the opening of negotiations, the Council once more decided to make efforts in this direction.

On the proposal of its President, it adopted on September 21st the following resolution :

The Council recommends that the two Governments, while reserving their points of view in regard to the principles involved and the legal situation—which points of view have already been stated before the Council—should take steps to enable their plenipotentiaries to meet as soon as possible, and to be furnished with the necessary powers to come to a practical settlement of the question.

The Council expressed the hope that the negotiations would lead to a satisfactory and final settlement, and adjourned the question to its next session.

## II. APPLICATIONS FROM THE LITHUANIAN GOVERNMENT.

On October 15th, 1927, the Lithuanian Government appealed to the Council, under Article 11 of the Covenant, concerning measures which it claimed the Polish Government had taken with regard to schools, teachers and clergy in the districts of Vilna and Grodno. The Lithuanian Government further stated that "it had acquired the certainty that the Polish Government was putting into operation a far-reaching scheme directed against the very existence of an independent Lithuania".

This appeal was followed by certain communications concerning more particularly the expulsion from Poland to Lithuania of eleven Polish nationals, including four priests, from the Vilna district.

The matter was placed on the agenda of the Council, which heard the parties on December 7th.

(a) *Statements by the Representatives of the Parties.* — The Lithuanian representative, M. Voldemaras, said that the absence of well-defined relations and the failure to settle questions pending since the war had created, in the part of Europe where Lithuania was situated, conditions which were hardly favourable to peace. His Government had endeavoured to settle the question of its relations with Poland. During the autumn of 1927, however, the political horizon had suddenly become overcast and a series of factors had arisen which had caused anxiety in Lithuania as to the possibility of Polish interference in her domestic affairs and of an attack upon her independence. He asked the Council to send a commission of control to the Polish-Lithuanian

frontier and to order an enquiry into the persecution of Lithuanians.

The Polish representative, M. Zaleski, requested the Council to adhere to the established procedure in dealing with complaints of the Lithuanian Government with regard to the treatment of minorities. In his opinion, the Lithuanian representative had produced no proof of the charges which he had made against the Polish Government. Poland cherished no designs upon Lithuania's independence. She had, on the contrary, adhered strictly to a policy of peace and understanding, as a proof of which M. Zaleski enumerated various overtures for reconciliation. He pointed out that Lithuania had invariably responded by declarations affirming the existence of a state of war between the two countries. This attitude was, he thought, hardly compatible with Lithuania's position as a Member of the League and had a disastrous effect upon her own interests as well as upon those of her neighbours. The Polish Government accordingly drew the attention of the Council, under Article II of the Covenant, to the dangers for general peace entailed, in its opinion, by the Lithuanian Government's policy.

M. Zaleski concluded : "In the face of the whole world, conscious of her duties and responsibilities, Poland once again declares peace with Lithuania and solemnly extends to Lithuania the hand of friendship."

In his rejoinder, M. Voldemaras said that Lithuania was not fundamentally hostile to Poland, but that there was in his country a feeling of anxiety and uncertainty. The Lithuanians, more than anyone, felt the need of a friendly agreement with all countries. Moreover, the international engagements by which Poland and Lithuania were bound rendered an armed conflict between their countries impossible. By the term "state of war" the Lithuanian Govern-

ment understood the absence of normal relations between Poland and Lithuania.

M. Voldemaras concluded by saying that he appreciated at their true value the final words of M. Zaleski and was ready to follow any road that led to peace, without, however, renouncing the rights and claims of his country.

(b) *Lithuania declares that, in her view, a state of war does not exist between herself and Poland. Poland declares that she recognises and respects the political independence and territorial integrity of Lithuania. The Council recommends direct negotiations (December 10th, 1927).* — After hearing these statements, the Council appointed the Netherlands representative as Rapporteur, and made arrangements to obtain, during the proceedings, information on the situation in the Polish-Lithuanian frontier zone through a mission composed of the French, British and Italian military attachés in Warsaw and Kovno

The negotiations between the Rapporteur and his colleagues on the Council and the representatives of the parties (in which Marshal Pilsudski himself took part) lasted three days. At a night meeting held on December 10th, the Rapporteur submitted to the Council a report and draft resolution which had already been approved by the parties.

The resolution read as follows :

The Council of the League of Nations :

Declares that a state of war between two Members of the League is incompatible with the spirit and the letter of the Covenant by which Lithuania and Poland are bound;

Takes note of the solemn declarations made by the Lithuanian representative that Lithuania does not consider herself in a state of war with Poland and that in consequence peace exists between their respective countries;

Takes note of the solemn declarations of the Polish representative that the Polish Republic fully recognises and respects the political independence and territorial integrity of the Lithuanian Republic;

Recommends the two Governments to enter into direct negotiations as soon as possible in order to establish such relations between the two neighbouring States as will ensure "the good understanding between nations upon which peace depends";

Places at the disposal of the two parties the good offices of the League and of its technical organs should their assistance be desired in the negotiations which it recommends;

Decides that the Lithuanian Government's complaints regarding the treatment of persons of Lithuanian race or speech, referred to in its appeal, shall be examined by a Committee consisting of the Acting President of the Council and two other Members of the Council appointed by him — this Committee will report to the Council in due course;

Decides that, in the event of a frontier incident or threat of an incident, the Secretary-General of the League of Nations may, at the request of one of the parties, consult the Acting President of the Council and the Rapporteur, who shall then advise any steps they consider necessary to bring about a better state of feeling. The Council notes that both parties have agreed to facilitate any enquiry by the League of Nations;

Notes with satisfaction the Polish representative's declaration to the effect that the Polish nationals referred to in the Lithuanian Government's appeal will be authorised to return to Poland without hindrance. In case of unforeseen difficulties, the Rapporteur would place his good offices at the disposal of the parties with a view to removing those difficulties.

The Council declares that the present resolution in no way affects questions on which the two Governments have differences of opinion.

(c) *The Council emphasises the necessity of the negotiations' making appreciable progress.* It places the question on the agenda of its next session (June 1928). — The direct negotiations recommended by the Council were opened at Königsberg on March 30th and lasted till April 10th. They were then continued by commissions meeting at Kovno and Berlin.

When the Council met in June, the Rapporteur, whilst expressing satisfaction that the parties were complying with the Council's recommendations and negotiating, noted that "unfortunately these negotiations..... had not yet succeeded and were being protracted without any appreciable progress being made."

He informed the Council that the Polish Government had made arrangements for the return of the persons expelled from Poland last October, and that four of the eleven persons had taken advantage of these arrangements. Finally, he recalled that, "when declaring in its resolution of December 10th, 1927, that that resolution in no way affected the questions on which the two Governments had differences of opinion, the Council did not mean to say that one of the parties was free to take any measures likely to prejudice the progress of the negotiations, for the party which took such measures would be putting itself in the wrong, not only at the Council table, but in the eyes of international opinion".

The British, French and German representatives expressed their regret that the negotiations had not led to appreciable or satisfactory results. Sir Austen Chamberlain said :

Six months have passed and our Rapporteur is obliged to tell us that no appreciable progress has been made. Indeed, without specifically mentioning any incident in the last paragraph of his report, he refers to something which has taken place, and which is known to us all, which does not constitute progress in the direction which the Council desired, but an act, an irritating act—it would

not be using exaggerated language to say an act of provocation—which is directly contrary to that which the Council desired and which it expected from both parties.

He appealed to the Lithuanian representative to show a greater spirit of conciliation during the negotiations.

M. Paul-Boncour said that, in his opinion, the situation could not be prolonged without danger to peace and that it was clearly not fitting for the League and its executive organ, the Council, to remain powerless in the face of such a situation. He asked the Rapporteur if it would not be possible to fix a certain time limit for the negotiations, it being understood that, if within a fixed period they had not succeeded, the Council would itself deal with the question not merely, as at that moment, in order to be informed of the progress of the negotiations, but in order to take steps with a view to a more rapid solution.

Dr. von Schubert noted that there were still great difficulties in the way of a rapid and complete solution of the problem, but he expressed the hope that something practical might be done and that a result might be obtained, even though only a partial one. Germany, he said, was specially interested in the removal, as soon as possible, of anything that might disturb peace in the relations between two of her neighbours.

M. Voldemaras said that he could not remain unmoved by the appeal made to him by Sir Austen Chamberlain in the general interest of Europe. He recalled that the Polish-Lithuanian question was not a new one and could hardly be settled in a few months.

Replying to M. Paul-Boncour, the Rapporteur, M. Beelaerts van Blokland said that it seemed difficult to gauge in advance the moment at which the negotiations would come to an end. "At any rate", he added, "we can express

the desire, and we have the right to expect, that appreciable progress should be made. At our next session, we must be in a position to note that a step forward has been taken".

The President then submitted a draft resolution emphasising the necessity for the negotiations' making appreciable progress before the next session of the Council and inviting the Netherlands representative to submit a report in order that the Council might, if necessary, take up the question again.

M. Voldemaras thereupon submitted an amended text by which the Council recommended that its resolution of December 10th, 1927, should be carried out to its full extent and at the earliest date possible.

The two texts were put to the vote, the amended proposal being rejected except for the vote of the Lithuanian representative, the original proposal being unanimously accepted by all Members of the Council, with the exception of M. Voldemaras. As both resolutions required unanimity, neither of them could be adopted.

The British representative then proposed that the Council should adopt a resolution to include in the agenda of its next session, not only the question of the progress of negotiations, but also that of the Polish-Lithuanian relations. For the adoption of this resolution, a majority was necessary, bearing as it did upon a question of procedure. It was unanimously adopted by the Council, the Lithuanian representative having adhered to the proposal.

(d) *The Council decides to give a fresh impetus to the direct negotiations. It contemplates a technical investigation of the difficulties in the event of a breakdown (September 1928).* — In the report submitted on September 6th, 1928, the Netherlands representative gave a brief summary, based on the

documents distributed to the Council, of the work accomplished by the Polish-Lithuanian Committees set up at the Conference of Konigsberg. He noted that the date and place of meeting of the plenary Conference had not yet been fixed, and expressed his disappointment "that the negotiations had not led to such results as might reasonably have been hoped for".

The representatives of the parties were then invited to amplify these statements by any information that might give the Council a clear idea, not only of the action so far taken by the parties, but also of the future prospects of the negotiations.

The Polish representative merely stated that his Government had done all in its power to carry out the Council's recommendations of December 10th, 1927.

The Lithuanian representative recognised that the results hitherto obtained could not be considered as very satisfactory; but he nevertheless drew the attention of the Council to the fact that the negotiations were not terminated, since the plenary session of the Conference had not yet met. He then gave a summary of the negotiations, emphasising the difficulties met with and rejecting responsibility for the slowness of the proceedings. His Government, he said, was ready to make concessions and had always considered that account should be taken, not only of its national interests, but also of international interests. To conclude, he expressed the opinion that, although agreement had not so far been reached, negotiations had nevertheless cleared the ground for further progress.

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Following this statement, M. Beelaerts van Blokland submitted a further report on September 8th. He recalled that, in December 1927, the parties had formally undertaken to

establish by direct negotiations and, if necessary, through the good offices of the League, a *modus vivendi* compatible with a state of peace. Up to the present they had not succeeded in concluding any agreement that the Council might consider as a proof that good understanding had been effectively restored between them. The Rapporteur then gave the following explanations with regard to the final paragraph of the Council resolution of December 10th, 1927 :

One of the obstacles frequently invoked is the interpretation to be placed on the last paragraph of the resolution of December 10th, 1927. The Council will remember that, at the end of a report which I had the honour to submit to it on June 6th last, I observed that, when the Council was careful to state in December 1927 that "the present resolution in no way affects questions on which the two Governments had differences of opinion", its intention was obviously not to complicate these negotiations, which were already sufficiently delicate, but rather to ensure their ultimate success. It had foreseen to a certain extent that the inclusion of questions on which the two Governments held different views would prove an impediment to negotiations and, with the object of setting the two parties at ease, it declared that these views would not be affected by the direct negotiations on such practical matters as local traffic, transit, postal communications, etc.

M. Beelaerts van Blokland then invited the Council to give a fresh impetus to the negotiations which were still proceeding :

It should be borne in mind—he said—that the object of the resolution of December 10th, 1927, was to re-establish relations of good understanding between the two countries and also to safeguard the general interests which peace should ensure... As guardian of the general interest, however, the Council can hardly be content passively

to await the issue of events. If these negotiations make no appreciable progress, the Council would be failing in one of its essential duties if it allowed to continue indefinitely an abnormal state of affairs which might react most unfavourably, not only on the interests of the parties concerned, but also, and above all, on those of third parties.

In such a case, the Council might order a very careful enquiry to be made into the difficulties which, in consequence of the Polish-Lithuanian dispute, injure the rights of third parties. This enquiry would be entrusted to experts, who would endeavour, if necessary by making investigations on the spot, and duly observant of the international agreements in force, to discover what practical steps could be taken within the bounds of present circumstances.

These experts would submit their report to the Council, which would communicate it immediately to the parties concerned.

The Polish representative raised no objection to the report.

The Lithuanian representative stated that, whilst agreeing in principle to the investigations proposed, he did not consider them opportune so long as direct negotiations were proceeding. He made, moreover, a formal reservation as regards the recognition, implicitly contained in the report, of the Council's right to safeguard the interests of third parties — a right which, in M. Voldemaras' opinion, was not conferred upon the Council by the Covenant.

In reply to these observations, M. Beelaerts van Blokland said that his report merely contemplated the possibility of expert investigation should negotiations fail and that it would then be for the Council to take the necessary decisions. He considered that the right of the Council to safeguard the interests of third parties was indisputable. He need only refer to Article 4, paragraph 4, of the Covenant — under which the Council might "deal with any matter within the sphere

of action of the League or affecting the peace of the world"; or Article 23, which declared that "subject to and in accordance with the provisions of international conventions existing or hereafter to be concluded, the Members of the League would make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League".

The French representative, M. Briand, noted that M. Voldemaras had not submitted any fundamental objection to the report. M. Voldemaras had himself at an earlier meeting stated that the direct negotiations had served to clear the ground. The report of M. Beelaerts van Blokland encouraged the parties to continue these negotiations, but the Council—which represented the general interests of all Members of the League—was bound to contemplate the possibility of the parties' failing to reach an agreement and of placing at their disposal technical means of overcoming their difficulties. He appealed to M. Voldemaras' spirit of co-operation.

Finally, the Council unanimously agreed to take note of the report.

At a later meeting, on September 12th, the Council appointed M. Quiñones de León to succeed M. Beelaerts van Blokland as Rapporteur on the question of Polish-Lithuanian relations, the mandate of the Netherlands as a member of the Council having expired.

### III. EXPROPRIATION OF ALBANIAN LANDOWNERS AND POSITION OF THE ALBANIAN MINORITY IN GREECE.

On April 10th, the Albanian Government requested the Council, in virtue of Article 11 of the Covenant, to examine the question of Albanian property, and the situation of the

Albanian minority in Greece. This question was accordingly placed on the agenda of the June session.

On June 5th, the Council heard statements by the representatives of the parties, M. Mehdi Frasher for Albania and M. Politis for Greece.

(a) *Statements by the Representatives of the Parties.* — The Albanian representative said that his Government had decided to submit the question to the Council because direct negotiations with the Greek Government had not led to any result. He then explained the question of Albanian property and the situation of the Albanian minority.

He stated that the application of the agrarian law in Greece had led to the confiscation, more or less disguised, of Albanian properties, despite the fact that, in virtue of its international obligations, the Greek Government was not entitled to proceed to the expropriation and requisition of foreign property without apparent reason and without a just preliminary indemnity. He pointed out that, for land-owners of certain nationalities, the Greek Government had consented to mitigate the provisions of the agrarian law; and proposed that, to settle the question, a Mixed Commission should be formed under the presidency of a neutral.

The Albanian representative then described the situation of the Albanian minority in Greece to which, he alleged, exceptional measures were applied, resulting in vexations, restrictions and injustice. He added that, if this situation were not remedied, the Albanians would shortly be forced to leave Greece.

The Greek representative said that his Government was convinced that the Albanian request could not be received, was inadmissible and entirely out of order. There was no tension between Greece and Albania; the Greek Government had the very sincere intention to maintain the best of relations with Albania and the strictest bonds of friendship. It

had constantly given proofs of its goodwill towards its neighbour and, as a matter of fact, negotiations were being conducted between the two Governments on the questions which Albania had now submitted to the Council in virtue of an unfair application of Article II of the Covenant.

M. Politis explained that the expropriation had taken place under an agrarian law which the influx of refugees had rendered necessary and had affected all landed proprietors without distinction of class or nationality. In the interest of the maintenance of neighbourly relations, the Greek Government, however, was ready to examine to what extent it could grant certain concessions to the Albanian land-owners. It would, however, always refuse to recognise that there existed a legal obligation for it freely to grant Albanian nationals a more favourable treatment than the national treatment, and still less the special advantages which, for exceptional reasons, had been agreed to in the case of certain foreign landowners.

As regards the situation of the Albanian minority, M. Politis pointed out that the complaints brought forward by Albania were already to be found in protests from private persons which had been examined and rejected, or which were under examination by Committees of Three of the Council. He emphasised that, in his opinion, the Albanian Government had no right to interfere in a question of this kind, recalling that, to avoid any interference on the part of one Power in the internal affairs of another Power, the Minority Treaties had reserved to Members of the Council alone the right to bring before the Council a question concerning a minority. He submitted that the step taken by the Albanian Government was contrary to the procedure drawn up by the League and the practice adopted by the Council as regards the protection of minorities and that Article II of the Covenant was not applicable to this case.

(b) *Examination by the Council and Council Resolution.* — A Committee of the Council—consisting of the British, Japanese and Polish representatives—was then set up to study the question. On June 9th it submitted a report, which the Council adopted.

As regards the question of the property of Albanian nationals in Greece, the Council considered that direct negotiation between the parties, conducted in a spirit of conciliation, would seem to constitute the most suitable means of reaching a solution. It accordingly expressed the wish that the parties might reach a friendly solution.

The Council came to the conclusion that it should abstain from taking into consideration the question of the Albanian minorities in Greece, emphasising that certain complaints brought forward by the Albanian Government had already been examined or were being examined in accordance with the ordinary procedure for petitions submitted to the League of Nations (1).

The reasons why the Council decided to abstain from acceding to the request of the Albanian Government were stated as follows in the report :

We are unanimous in considering that the system of the protection of minorities instituted by the treaties, while having as its principal object the protection of the minority itself, is also intended, not only to prevent that questions concerning the protection of minorities should acquire the character of a dispute between nations, but also to ensure that States with a minority within their borders should be protected from the danger of interference by other Powers in their internal affairs.

The authors of the Minorities Treaties had this danger clearly in view. They gave to Members of the Council the right to call the Council's attention to any infringement

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(1) For minority questions, see the following Chapter : " Protection of Minorities "

or any danger of infraction of the provisions of the Minorities Treaties.

This, however, does not prevent, under the rules in force, a State not represented on the Council from presenting a petition on the subject of the treatment of a minority.

The protection of minorities is an international affair, but one of the essential objects of the system established by the treaties and of the procedure laid down by the Council is that, whilst bearing this international character, a case of the protection of minorities should not become a dispute between neighbouring States. Once the matter is before the Council, it becomes an affair between the Council and the State to which the minority belongs nationally, not a question between that State and the State with which the minority is racially connected.

One of the main objects of the system of the protection of minorities would be frustrated, and an important purpose of the Minorities Treaties themselves would be defeated, if the Council consented to accept as normal an appeal based on Article II in lieu of the minority procedure.

Article II should only be invoked in grave cases which produce a feeling that facts exist which might effectively menace the maintenance of peace between the nations. In normal cases, on the other hand, an appeal to Article II would create the very dangers which the Minorities Treaties were intended to avert.

The representatives of the parties accepted the report.

The German representative said that, while the report emphasised, on the one hand, that recourse to Article II as a substitute for the application of the minorities procedure should not become the general rule, it stated, on the other hand, that in grave cases Article II could be applied to questions of minorities. The question of principle had therefore, in his view, been satisfactorily settled.

The British representative recalled that the supervision of the Minorities Treaties and the consideration of petitions

made in pursuance of them was one of the most important, but at the same time one of the most delicate, tasks of the Council.

Just because these questions are so delicate [he said], and may so profoundly affect international relations, I think it is, as noted in our report, of the greatest importance that in normal cases the normal procedure should be followed and that only in cases of real and profound gravity should we have recourse to Article 11 of the Covenant.

#### IV. THIRD ANNUAL REPORT OF THE STRAITS COMMISSION.

The Straits Commission, which operates in Constantinople under the auspices of the League, forwarded its 1927 report to the Secretary-General.

The Report is in two parts, one dealing with the work of the Commission in 1927, the other containing information on conditions of passage through the Straits for vessels and airships.

In the first part of its report, the Commission observes that the information service dealing with the passage of war vessels through the Straits is working smoothly and satisfactorily. In 1927, the Governments represented on the Commission were notified of the latter's desire to be kept informed of any abnormal circumstances in connection with passage, and more particularly of such as might tend to deprive the Straits of their character as a transit zone. At the end of 1927, the Turkish Government closed the Gulf of Ismidt to foreign warships, and the Commission proposes to examine carefully any questions raised in connection with this measure.

As in 1926, the Commission requested and received from the coastal States of the Black Sea information on the composition of their naval forces in these waters.

The Commission reports on changes in administrative regulations made at its suggestion, and calculated to make it easier for navigation companies to run their lines. It adds that, where impossible to amend regulations, instructions were given by the Turkish authorities for them to be applied in a liberal spirit. The Commission also notes measures for the practical solution of questions such as the exercise of local maritime control, the use of wireless on board ships, supplies at Constantinople for ships in transit, etc. On these subjects, there were exchanges of views between the Turkish authorities and foreign navigation companies in Constantinople.

The Commission expresses the wish that the Turkish law now being prepared may in the near future authorise ships passing through the Straits to use their wireless apparatus subject to the usual international regulations.

As regards health questions, the Commission makes several recommendations; one concerning the prompt ratification of the decisions of the Paris Health Conference (1926), which would result in the virtual suppression of the sanitary inspection of ships in transit, another concerning the appointment at the earliest possible date of three European specialists as administrative health counsellors on the Turkish frontiers, who would co-operate in establishing regulations for the coastal and frontier health service.

The Commission observes that the life-saving service in the Black Sea has been improved, that increasing special facilities were granted in 1927 to merchant ships passing through the Straits, and that certain formalities were suppressed. On the other hand, while recognising that, as regards merchant ships, the Turkish Health, Police and Customs services have been improved, the Commission draws attention to the desire of the navigation companies concerned that these three inspections should take place simultaneously.

The second part of the report contains the regulations applicable from January 1st, 1928, to sea and air traffic, which are based on the provisions of the Straits Convention or on the Turkish regulations in force.

There are several annexes, in particular, regulations for foreign warships and auxiliary vessels and aircraft accompanying them on visits to the ports and territorial waters of the Turkish Republic, as well as a tabular statement of the maritime traffic in the Straits in 1927.

The Council authorised the Secretary-General in future to communicate the reports of the Commission, not only to the Members of the Council and Powers signatory to the Convention, but also to the Members of the League and any technical organisation of the League which might be interested in the information contained in the report. It further decided that the reports should not be included in the agenda unless one of the countries to which they were communicated wished to raise a question in regard to them.

#### V. COMMUNICATION FROM THE PERSIAN GOVERNMENT : THE BAHREIN ISLANDS.

On November 23rd, 1927, the Persian Government communicated to the Secretary-General, for the information of States Members of the League, a protest which it had forwarded on the previous day to the British Minister at Teheran. The Persian Government maintained that Article 6 of the Treaty signed at Jeddah on May 20th, 1927, by the representatives of Great Britain and the Hedjaz, relating to the Bahrein Islands, to which Persia had "indisputable rights", constituted an infringement of territorial integrity as guaranteed by Article 10 of the Covenant. At the time of the conclusion of the special Agreement between the British Government and the Sheikh of Bahrein, the Persian

Government had protested, and Lord Clarendon, in his reply of April 29th, 1869, had "officially recognised the justice of that protest".

In conformity with the Persian Government's requests, its note was forwarded for information to the States Members of the League, and the Secretary-General informed the British Government that he would similarly communicate any observations it might wish to make.

On February 25th, 1928, the British Government sent a letter to the Secretary-General, to which was annexed a copy of the reply to the Persian Government. The reply stated that His Majesty's Government was not aware of any valid grounds upon which the claim of the Persian Government to sovereignty over the Bahrein Islands could be based. Those islands were not a part of Persia geographically, nor were the inhabitants of Persian race. Persia had exercised no effective control over them since about 1783, when they were invaded by Arab tribes under the leadership of the direct lineal ancestor of the present Sheikh. Furthermore, the successive treaties which since 1820 had regulated the relations between His Majesty's Government and the Sheikhs of Bahrein had all been concluded on the basis that the Sheikh of Bahrein was an independent ruler. Lord Clarendon's note of April 29th, 1869, in no way admitted the validity of the Persian claims and, since then, numerous agreements had been entered into between the British Government and the Sheikhs which quite excluded the possibility of Great Britain's ever recognising either Persian or Turkish claims to sovereignty in the islands. The attitude of the British Government had been still more clearly defined in 1906, when the British Minister at Teheran had addressed to the Persian Government a Note stating that "His Majesty's Government have never admitted the ownership or sovereignty of Persia over Bahrein".

The communication from the British Government was forwarded for the information of the Members of the League.

Subsequently, the Persian Government forwarded to the Secretary-General, for communication to States Members of the League, copy of its reply to the British Government. In this Note, the Persian Government maintains its protest against the Treaty concluded between Great Britain and the Hedjaz in May 1927.

#### VI. INCIDENTS BETWEEN THE JAPANESE AND CHINESE TROOPS AT TSI-NAN-FU.

On May 27th, 1928, the Japanese representative on the Council communicated to the Secretary-General, for the information of the Members of the League, a statement from his Government setting forth the facts and circumstances which at the beginning of May led to incidents between Japanese and Chinese troops at Tsi-Nan-Fu.

The Japanese Government begins by recalling these incidents and the circumstances in which they took place. It emphasises the fact that the despatch of Japanese troops to Tsi-Nan-Fu was a measure of self-protection rendered unavoidable by the situation, that it implied nothing approaching interference with the military operations of the Chinese Northern or Southern forces, and that the Japanese Government would withdraw its troops as soon as the necessity for their continued presence ceased to exist, as was announced at the time when they were despatched. It was to be sincerely regretted that the outrages committed by Chinese soldiers should have compelled the Japanese troops to resort to force for the protection of the Japanese residents.

At an earlier date, the Secretary-General had received from Nankin a telegram on the same subject from Mr. Tan

Yenkai, Chairman of the Nationalist Government of the Chinese Republic. This telegram drew attention to the grave situation arising from the despatch of a large number of Japanese troops into the province of Shantung, and from the incidents which had occurred at Tsi-Nan, the capital of that province. This communication was immediately sent for information to all Members of the Council, including the Japanese representative, and the Secretary-General advised Mr. Tan Yenkai by telegram of his action in this respect.

## VII. COMMUNICATION FROM THE BRITISH GOVERNMENT CONCERNING THE BRIAND-KELLOGG PACT.

On August 4th, 1928, the British Government forwarded to the Secretary-General, for communication to States Members of the League, the text of two Notes addressed to the United States Ambassador and the United States Chargé d'Affaires in London on May 19th and July 18th, replying to the United States proposals for a Treaty of renunciation of war as an instrument of national policy.

In its letter to the Secretary-General, the British Government states that, in considering the United States proposals, it had been at great pains, in view of the provisions of Article 20 of the Covenant, to assure itself that their acceptance would not involve any inconsistency with the obligations resulting from the Covenant. It added, that, as would appear from the enclosed Notes, it was satisfied that the signature of the proposed Treaty would not involve any conflict with the obligations resulting from League membership.

The British Government further explained that its motive in making this communication had been that the question of the compatibility of the proposed Treaty with the

Covenant was evidently one of general interest to all States Members (1).

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(1) In October, the Persian Government forwarded to the Secretary-General for communication to States Members of the League, copy of the Note it had addressed to the United States Government, notifying its accession to the Briand-Kellogg Pact. In this Note, the Persian Government states, *inter alia*, that it considers the multi-lateral Treaty signed at Paris to be "in harmony . . . with the obligations imposed by the Covenant of the League of Nations on its Members".

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## CHAPTER X.

### PROTECTION OF MINORITIES

*General Questions. — Minorities in Upper Silesia. — Treatment of Persons of Lithuanian Race or Language in the district of Vilna. — Receivability of Petitions.*

#### I. GENERAL QUESTIONS.

At each of its sessions, the Council examined questions concerning specified minorities, more particularly in Upper Silesia. On two occasions it also dealt with general minority questions. In one case, a petition from persons of Ukrainian origin, residing in Lithuania, caused the question of the receivability of the petitions to be raised — the Council consulted a Committee of Jurists on this matter; the other case had reference to a request from the Albanian Government under Article 11 of the Covenant that the Council should examine the position of the Albanian minority in Greece. After a full enquiry by a Special Committee, the Council decided that it could not deal with this question (1).

In addition to this action of the Council, the "Committees of Three" (2) — the special League organisation for minority questions — continued their work during the past year.

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(1) The substance of the Special Committee's report, together with statements by the representatives of Greece, Germany and Great Britain, will be found in Chapter IX : "Political Questions" (see page 177).

(2) To assist Members of the Council in the exercise of their rights and duties as regards the protection of minorities, the Council set up, in 1920, the Minorities Committee or Committee of Three. In accordance with this procedure, all petitions which are in order are examined, together with the observations of the Government concerned, by a Committee consisting of the President of the Council and two other members of that body.

The question of the protection of minorities was also touched upon in the course of the Assembly debate on the work of the Council, several delegates dwelling upon the procedure followed by the League in dealing with these matters. The Netherlands delegate suggested the possibility of creating a permanent minorities commission. As, however, no formal proposal was submitted, the matter was not referred to an Assembly Committee for discussion.

## II. MINORITIES IN UPPER SILESIA.

The majority of the petitions with which the Council had to deal were from the *Deutscher Volksbund* in Polish Silesia and referred to school questions. In other cases, the petitioners complained of the conditions of security in Polish and German Silesia. During the examination of some of these petitions, the Council was called upon to define points of procedure concerning the application of the provisions of the German-Polish Convention on Upper Silesia.

1. *School Questions.* — The most important of these questions was raised in pursuance of the Council resolution of March 1927 (1) concerning the admission of children to primary minority schools in Polish Silesia. The Council had decided to introduce a system of enquiry to ascertain whether a child's knowledge of the language of the minority schools was such as to enable it usefully to attend that school.

In October 1927, the Council Rapporteur, in agreement with his colleagues (the Italian and Netherlands representatives), who had assisted him in preparing the draft arrangement adopted in March, decided, in reply to a request from

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(1) For further details, see *The League of Nations from Year to Year, 1926-1927*, pages 120 *et seq.*

the Polish Government, that the system instituted by that arrangement might apply to 735 children who had applied for admission to the minority schools in 1927-28 and who, in the opinion of the local educational authorities, did not understand German, but that this arrangement was not intended to be permanent. As a result of this decision, examinations were begun.

The German Government then asked that the question should be placed on the Council's agenda for December 1927, pointing out that its representative had accepted the March resolution as an exceptional measure applicable only to an exceptional situation.

Accordingly, on December 8th, the German representative submitted that the time had come to clear up finally the legal questions of principle governing the admission of children to German minority schools, adding that his Government intended to apply, under the Upper-Silesian Convention, to the Permanent Court of International Justice for an interpretation of that Convention in this respect.

The Council took note of this statement. It was agreed that the examinations for 1927-1928 should continue, and that the ruling of the Court should decide whether children, transferred to Polish schools as a result of the examination, should ultimately be admitted to the minority schools.

On April 26th, 1928, the Permanent Court of International Justice gave judgment (1). It decided that Articles 74, 106 and 131 of the German-Polish Convention of May 15th, 1922, concerning Upper Silesia, bestowed upon every national the right freely to declare, according to his conscience and on his personal responsibility, that he did or did not belong to a racial, linguistic or religious minority and to declare what

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(1) For further details concerning the judgment of the Court, see Chapter III : "The Permanent Court of International Justice", page 82.

was the language of a pupil or child for whose education he was legally responsible; that these declarations must set out what their author regarded as the true position in regard to the point in question and that the right freely to declare what was the language of a pupil or child, though comprising, when necessary, the exercise of some discretion in the appreciation of circumstances, did not constitute an unrestricted right to choose the language in which instruction was to be imparted or the corresponding school; that, nevertheless, the declaration contemplated by Article 131 of the Convention, as also the question whether a person did or did not belong to a racial, linguistic or religious minority, were subject to no verification, dispute, pressure or hindrance whatever on the part of the authorities.

This judgment made it possible in June for the Council to settle three other school questions (the creation of minority schools at Biertultowy, Stara Wies and Gieraltowice).

The difficulties which had arisen in this matter were due to the fact that many persons responsible for the education of children who did not speak the language of the minority had nevertheless requested that they should be admitted as pupils in minority schools. The Council decided, on the report of a Committee of Three (the Colombian, Italian and Netherlands representatives), to lay down the principles which should govern declarations concerning the language of children. These principles are as follows :

- (I) Any person making a request, either for the establishment of a minority school or for the entry of a child into an already existing school, must declare, according to his conscience and on his personal responsibility, what is the language of the child for whose education he is legally responsible; this declaration must set out what its author regards as the true position in regard to the point in question. It should, however, be

understood that this right freely to declare what is the language of a child, though comprising, when necessary, the exercise of some discretion in the appreciation of circumstances, does not constitute an unrestricted right to choose the language in which instruction is to be imparted, or the corresponding school.

(2) The Polish Government is justified in not admitting to the minority schools children whose language, according to the declaration of the persons responsible is only Polish, or for whom there is no declaration concerning the child's language.

(3) The declarations concerning the language of children made by persons responsible for the education of these children may not be made subject to any verification, dispute, pressure or hindrance whatever on the part of the Polish authorities.

In this connection, the Council recalled the opinion expressed in its resolution of March 12th, 1927, to the effect that it was not desirable to admit to minority schools children who spoke only Polish. It expressed the hope that, once the Polish Government had prepared the forms for the oral or written declarations regarding the language of the children in such a way as to avoid all possible misunderstanding with regard to the objective nature of these declarations, difficulties of the kind which had hitherto arisen would no longer occur and the normal working of the minority schools from a scholastic point of view, which was the responsibility of the Polish authorities, would be ensured.

The Polish representative on the Council noted that the decision of the Court of April 26th, 1928, had recognised the correctness of the main theses which the Polish Government had defended in March 1927. He pointed out that the Polish Government had always recognised that the Upper-Silesian

Convention implied that the school authorities were not at liberty to verify or dispute the declarations of the persons responsible for the education of the children. He expressed his regret that the Committee of Three which had studied the question had not thought it desirable to recommend the application of an impartial linguistic control by a neutral pedagogic expert, as constituted by the resolution of the Council of March 12th, 1927. He added that the Polish Government would in no case admit that, in consequence of declarations not in accordance with the actual facts, the good working of the school from an educational point of view should be rendered impossible.

The German representative noted the statement of the Polish representative according to which the Polish Government recognised that the Upper-Silesian Convention implied that the Polish authorities were not at liberty to verify or dispute declarations made in order to obtain entry into the minority schools. He emphasised that the decision of the Hague Court stated this important principle without any restriction (1).

2. *Questions of Procedure.* — In September 1928, the Council adopted rules according to which, in the case of appeals or petitions addressed to it direct under certain provisions of the German-Polish Convention, a time limit of two months, which may be extended by not more than one month, will henceforth be allowed Governments for the submission of their observations.

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(1) Among other minority questions concerning Upper Silesia settled by the Council in the course of the year, the following should be mentioned : (1) the creation of a primary minority school at Brzezinka; (2) the composition of the teaching staff in the minority secondary school of Królewska-Huta; (3) the use of the German language together with the official language, in the registers and other documents of the minority schools; (4) conditions of public security in Polish Upper Silesia and in German Upper Silesia.

### III. TREATMENT OF PERSONS OF LITHUANIAN RACE OR LANGUAGE IN THE DISTRICT OF VILNA.

In October 1927, the Lithuanian Government complained of the treatment of persons of Lithuanian race or language in the district of Vilna. The Council decided that these complaints, which mainly referred to the closing of Lithuanian schools, should be examined in accordance with the usual procedure adopted for minorities questions.

A Committee of Three (the Chinese, Colombian and Netherlands representatives) was accordingly set up, to which the Polish Government communicated its observations on the complaints of the Lithuanian Government, as well as information regarding the general position of the Lithuanian minority in Poland, the number of Lithuanian schools, the working of those schools, and the conditions of Polish schools in Lithuania.

The Committee of Three had already drawn up its report when the Lithuanian Government asked for authorisation to be present when the Council examined this question (1). The jurists consulted by the Council concluded that the Lithuanian request was in order in view of the circumstances in which this question had been brought before the Council in December 1927 (2), and the fact that the Council resolution dealt at the same time with general political questions and cases of minorities. The Council accepted these findings, the exceptional nature of which was emphasised by the Polish, British and French representatives.

As a result of this decision, the report of the Committee was communicated to the Lithuanian Government, which

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(1) Under the procedure for minorities questions, established by the Council on the basis of the treaties, the petitioner, whether an individual or a Government, is not entitled to take part in the discussions either of the Council or of the "Committee of Three".

(2) See Chapter IX : "Political Questions".

replied to the observations of the Polish Government. The Committee, after examining this reply, did not feel called upon to amend its report, in which it proposed to the Council that, in view of the present situation, the Council should merely take note of the observations of the Polish Government. The report was adopted on September 8th, the Chairman of the Committee reading a statement to the effect that, in the opinion of the Committee, "the object of the system of minorities protection and of the regulations established with that object by the treaties and by the Council in its resolutions ought to exclude any tendency to deal with concrete cases coming within the scope of the treaties by taking into consideration the mutual position of minorities in two interested States".

#### IV. RECEIVABILITY OF PETITIONS.

On November 1927, twenty-one persons of Ukrainian origin living in Lithuania addressed to the League a petition in which they complained that they had been deprived of their land by the Lithuanian Government. The petition was considered as receivable by the Secretary-General and by the President of the Council, to whom the petition was submitted, in accordance with the regular procedure, as the result of a protest from the Lithuanian Government. That Government then asked that the Council agenda should include the question of the receivability of petitions concerning persons resident in a State, but not belonging to a minority of race, language or religion. The Lithuanian Government considered that there could be no question of the protection of minorities because there was no Ukrainian minority in Lithuania and the petitioners did not possess the distinctive characteristics of a national minority.

On June 6th, the Council decided that the petition was receivable from the point of view of form, without prejudice

to the question of substance. The concrete points of procedure raised by the Lithuanian Government should, it is considered, be examined by a Committee of Jurists.

In September 1928, the Council noted the opinion of the jurists which read as follows :

In judging of the receivability of a petition which requests the League of Nations for protection against the Government of a State bound by the special obligations of a minorities treaty, it is not the truth or falsehood of the allegations contained in the petitions which should be examined, but only the manner of their presentation and their pertinence in the light of the conditions laid down in the resolution of September 5th, 1923.

In the case of the petition which was the subject of the Council's decision of June 6th and 9th, 1928, it does not appear that, from the point of view of receivability, the objections raised by the Lithuanian Government, including those concerning the truth of the allegations, were such as to require that this petition should not be received.

The petition, together with the observations of the Lithuanian Government on the substance of the question, were subsequently submitted to a Committee of Three for examination in accordance with the usual procedure.

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## CHAPTER XI.

### MANDATES

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*Annual Reports of the Mandatory Powers : Palestine and Transjordania, Syria and the Lebanon. — Petitions. Report of the Royal Commission of Enquiry on Western Samoa. — General Questions : Economic Equality ; Liquor Traffic.*

At its two sessions, in the autumn of 1927 and in the summer of 1928, the Mandates Commission examined the annual reports of the Mandatory Powers and various petitions. It also studied questions of general interest.

Two of the annual reports—on Palestine and Transjordania and on Syria and the Lebanon—gave rise to important observations or statements, both by the Commission and by the Council. This was also the case as regards the report of the Royal Commission of Enquiry on Western Samoa.

Important decisions were reached in regard to the general question of economic equality in its various aspects.

Mlle. Dannevig (Norway) was appointed by the Council to replace the late Mme. Wicksell (Sweden) on the Commission.

#### I. ANNUAL REPORTS OF THE MANDATORY POWERS.

Except in the case of Western Samoa, nothing of any special significance was reported with regard to the territories under C Mandate (Nauru, New Guinea); in several cases, the Commission requested the mandatory Power to furnish additional information in its next annual report.

When examining the reports on *British Togoland* and the *British Cameroons*, the Commission expressed the hope that the mandatory Power would make every possible effort to increase the number of doctors in those territories. In the case of *Togoland*, it requested additional information on public finance, the number of labourers employed by various Government departments and private enterprises, and on the liquor traffic. As regards the *Cameroons*, the Commission requested the mandatory Power to inform it of the steps taken to extend its administrative authority to districts in the central part of the territory which had not yet been brought under control and also of the measures adopted for the apportionment of taxes among the different classes of the native and European populations. It requested additional information concerning the adoption of the new Labour Code mentioned in the report, the establishment of rural schools in the northern districts of the territory, and the existence of ex-enemy property or concerns. With reference to *Ruanda Urundi* under Belgia Mandate, the Commission asked for information as to the principles governing the division of expenditure between the mandated territory and the Belgian Congo, on the recruiting of workers for the Katanga Mines, and the granting of mining concessions. As regards the *Pacific Islands under Japanese Mandate*, it expressed the desire to receive fuller information on the taxation of natives and non-natives. When examining the reports for *Togoland* and the *Cameroons under French Mandate*, it requested the mandatory Power, in fixing the amount and the objects for which the grants were made by those territories to institutions in the home country and to certain international organisations, to see that the charges devolving upon the mandated territories under this head were in fair proportion to the direct and indirect benefits to be derived by the territories from the said institutions.

When examining the report on *Tanganyika*, the Commission noted a statement that the Administration of the

territory would resist any attempt to increase the proportion of military expenditure of the British dependencies in East Africa at present borne by the mandated territory. With regard to *Iraq*, the Commission asked to be informed of the measures taken in pursuance of the recommendations of the Mosul Commission (1) concerning minorities. It noted with satisfaction that the position on the Persian, Syrian and Turkish frontiers had improved, but regretted, that more normal relations had not yet been established between Iraq and Persia. It asked for additional information on certain oil concessions, on economic conditions and economic equality, and data concerning the recruiting, transportation and contracts of workers from India, and on the formation of a competent corps of school-teachers.

(1) *Reports on Palestine and Transjordania*. — The Commission gave its full attention to the difficulties encountered by the mandatory Power in regard to the establishment of Jews in Palestine and in its efforts to make the Jewish settlement self-supporting.

With reference to Transjordania, the Commission noted that an Agreement had been concluded between the United Kingdom and Transjordania (February 20th, 1928) recognising the existence of an independent Government in Transjordania and defining its powers; and that, according to a statement by the accredited representative of the mandatory Power, the mandate would remain in force after the agreement had come into effect.

The Commission requested the Council to consider whether its assent was necessary before this Agreement could be put into force. The Council, noting a statement by the British representative that the British Government considered itself responsible to the Council for the application of the

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(1) See *The League of Nations from Year to Year, 1926-1927* page 126.

mandate in Transjordania, found that the Agreement was in conformity with the principles of the mandate, which remained fully in force.

(2) *Reports on Syria and the Lebanon.* — The Commission expressed the hope that the difficulties which had arisen in connection with the final determination of the frontier between the mandated territories and Turkey might soon be satisfactorily settled.

In order to obtain a clear idea of the manner in which the principle of economic equality was applied in Syria and the Lebanon, the Commission asked the mandatory Power for information on the principles followed in respect of transactions connected with public works; the conditions under which concessions dating from the Ottoman régime had been renewed or modified; the coasting trade; the principles followed on drawing up the official lists of prices used for assessing values for *ad valorem* duties.

While recognising that the country should be prepared for that emancipation which was the aim of the mandate by a policy which would gradually accustom it to self-government, the Commission, after expressing its satisfaction at the calm prevailing in Syria and the Lebanon, hoped that, until that moment had arrived, the mandatory Power would continue to preserve all the authority necessary to guide and control the development of these territories and to meet its responsibilities to the League.

At the Council meeting of September 1st, 1928, the French representative stated that his Government was entirely in agreement with the Commission's views.

## II. PETITIONS.

The Commission examined a certain number of petitions, its observations being forwarded to the mandatory Power and to the petitioners concerned.

Details concerning the most important petitions are given below.

*Palestine.* — Certain Turkish nationals of Palestinian origin living in Honduras, Salvador and Mexico had claimed to be immediately registered as Palestinian citizens. The Commission was of opinion that both in law and equity this claim was not justified. It nevertheless drew the attention of the petitioners to the fact that in special cases the Palestine High Commissioner could grant a certificate of naturalisation even though the two years' residence generally required for naturalisation had not been within the three years immediately preceding the date of the application.

The Commission took note of a letter from the Zionist Organisation and a memorandum on the development of the Jewish National Home in Palestine, together with the observations of the mandatory Power. While considering, generally speaking, that these observations were satisfactory, the Commission repeated the recommendation made at its previous sessions that every effort should be made to hasten the survey, the completion of which it considered as being of the utmost importance for the general development of Palestine and, in particular, for the establishment of the Jewish National Home.

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*Syria and the Lebanon.* — The Commission examined petitions from the Lebanese Committee in Paris and from inhabitants of the territory. Generally speaking, it considered that the observations furnished by the mandatory Power were entirely satisfactory.

*French Togoland.* — On the subject of the petition concerning certain natives of the Adjigo tribe, the Commission considered that no new facts had been adduced which would cause it to modify the decision taken at its eleventh session.

### III. REPORT OF THE ROYAL COMMISSION OF ENQUIRY ON WESTERN SAMOA.

As a result of the agitation in Western Samoa during 1926, the New Zealand Government sent a Commission to make an enquiry on the spot. The report of this Commission was examined by the Mandates Commission in June 1928. It had already considered the position in October 1927, and on this occasion had recalled that, to supervise the observance of mandates and usefully to co-operate with mandatory Powers, it would be desirable that it should be informed each year of political movements of any consequence in the mandated territories. It noted with regret that no previous mention had been made of the underlying causes of the agitation. Replying on this point, the accredited representative said that it was possible that the Mandatory might not consider as very important certain disputes and differences which occurred fairly frequently and might consequently not mention them in its annual report. It nevertheless fully recognised that information on any movement which might entail serious consequences should be promptly communicated to the Commission.

The Commission drew the attention of the mandatory Power to certain terms used by the Administrator of the Territory, who had referred to Western Samoa as "part of the British Empire" and to its inhabitants as "British subjects". The accredited representative stated that, notwithstanding the use of this phrase by the Administrator, the opinion of the Mandatory on this question was in conformity with the principles of the mandate system as laid down in the Covenant and upheld by the Council and the Assembly.

The New Zealand Government had accredited for the examination of the report of the Royal Commission its High Commissioner in London, assisted by Major-General Sir

George Richardson, until March 1928 Administrator of Western Samoa. Petitions concerning Samoa from Mr. Newton Rowe, of the Anti-Slavery and Aborigines Protection Society, from Mr. Nelson and from certain natives were also dealt with. The complaints submitted by the European population related to the prohibition of alcohol, the measures adopted by the Administration for the sale of copra and the alleged extravagance of certain administrative departments. The complaints of the natives were of a more general nature and referred mainly to the methods employed by the Administration in dealing with them.

The Commission expressed the opinion that none of the charges made against the administration in various petitions were substantiated and that none contained any evidence of policy or action contrary to the mandate. On the contrary, it recorded its impression that the local administration seemed to have made every effort to improve the condition of the native population, notably in regard to public health and education as well as in regard to agricultural production and commerce.

The Commission strongly condemned the action of a certain number of whites (Mr. Nelson and those associated with him) who appeared to have been inspired less by the desire for public welfare than by personal ambition and interests. It was satisfied that the administrator had acted with great patience—if not perhaps always with sufficient psychological insight—and had shown a forbearance and confidence in the people which might have been misunderstood and so, to some extent, might have undermined his authority.

The Commission noted with satisfaction the action taken by the Mandatory. It was assured that adequate means for the maintenance of law and order were now at the disposal of the Administrator, and it expressed the hope that the Samoans, when they realised that they had been misled, would resume their former attitude of confidence in the administration, and

that the Mandatory would soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal.

#### IV. GENERAL QUESTIONS.

*Economic Equality.* — In three cases—two connected with the examination of the annual reports of the Mandatory Powers, and one relating to a communication from the French Government—the Commission raised certain questions concerning the application of the principle of economic equality among all the States Members of the League, as laid down in Article 22 of the League Covenant and in A and B Mandates (1).

The first case referred to a statement made in the British Parliament by the Under-Secretary of State for the Colonies that all material, machinery and tools purchased for Tanganyika from the proceeds of the East-African Loan should, failing special authorisation, be bought in the British Empire. The Commission asked whether, from the point of view of economic equality, this policy was in accordance with the terms of the mandate. On its recommendation, the Council invited the mandatory Powers to furnish information concerning the rules adopted or habitually followed by them for the purchase of material and supplies by the public authorities in the mandated territories.

The second case referred to postal rates. The Commission noted that, in most of the mandated territories, lower rates were charged for correspondence with the territory of the Mandatory than for correspondence with other States

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(1) The territories under A Mandate are Mesopotamia, Syria and Palestine. The territories under B Mandate are the Cameroons, Togoland, and Tanganyika (formerly German East Africa).

Members of the League. The Commission queried whether this practice was in conformity with the principle of economic equality. At its request, the Council invited the mandatory Powers to furnish supplementary information on their system of postal rates and the reasons for the adoption of those rates.

The third case arose out of a communication by the French Government. This communication referred to an exchange of notes between the French Government and Liberia with regard to measures taken by the Liberian Government in respect of Syrian and Lebanese merchants residing in Liberia, whose protection abroad is assured by France as mandatory Power. The French Government requested that Syrians and Lebanese resident in Liberia should be subject to the same régime as Liberians resident in Syrian and Lebanese territories. The Liberian Government had been unable to accede to this request.

The Commission drew the Council's attention to this matter and, at its meeting on September 1st, the Rapporteur, M. Beelaerts van Blokland, furnished the following explanations :

Mandates A and B lay down the principle of economic equality for all nationals of States Members of the League and for goods coming from these countries. These nationals and goods therefore benefit *ipso facto* in A and B mandated territories by a clause which is practically equivalent to the granting of most-favoured-nation treatment.

On the other hand, the authors of the Covenant, who clearly desired to secure for mandated territories and their inhabitants, if not a privileged position, at least as favourable an economic régime as possible, did not insert in Article 22, which deals with the mandate system, any clause on behalf of these territories to the effect that States Members of the League were bound to ensure what may be termed reciprocity as regards the principle of

economic equality. There can, however, be no doubt as to the intention of the Covenant in this respect.

He recalled the fact that, in this connection, the Council had already adopted a resolution inviting the mandatory Powers and all States Members of the League that had concluded special treaties to agree to extend the benefits of such treaties or conventions to mandated territories, if circumstances rendered such extension possible and expedient, and if the provisions of these international agreements were consistent with the stipulations of the Covenant and the mandate.

On the proposal of its Rapporteur, the Council referred to the resolution adopted in 1925 concerning the extension to mandated territories of special international conventions. It also requested the Commission to institute a general enquiry into the whole question of the treatment in countries Members of the League of persons belonging to mandated territories and all produce and goods from those territories.

*Liquor Traffic.* — In December 1927, the Council requested the Mandates Commission to continue in collaboration with the mandatory Powers to give serious consideration to the causes of the increased importation of spirituous liquors into those territories under B Mandate where such an increase was taking place and to take steps to remedy this situation.

In order to facilitate the Commission's task, the Council asked the mandatory Powers to inform it to which parts of the territory under their mandate they had already applied Article 4, paragraph 2, of the St. Germain Convention on Liquor Traffic in Africa. The said Article provides that the contracting parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed. The Council also requested the mandatory Powers to revise the memorandum drafted by the Secretariat

containing statistics of importation and information concerning Customs tariffs, licences, etc.

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Reviewing the work done by the mandatory Powers, the Council, and the Mandates Commission during the past year, the Assembly noted that many of the difficulties presented by the application of the mandate system had been removed. It expressed its appreciation of the spirit of co-operation which inspired the activities of the various agents of the mandate system.

The Assembly laid special stress on the application of the principle of economic equality in mandated territories and of Article 4, paragraph 2, of the St. Germain Convention on Liquor Traffic in Africa. It noted that great progress had already been achieved in the systematic organisation of the work of the Commission, and recommended that the latter should pursue its efforts in this direction.

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## CHAPTER XII

### SAAR TERRITORY

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#### *General Situation. — Composition of the Governing Commission.*

Only one question concerning the Saar Territory was dealt with by the Council during the period under review, namely, the appointment of the Chairman and members of the Governing Commission.

The Council and Members of the League received information with regard to the situation in the territory through the quarterly reports of the Governing Commission, which are analysed below.

#### I. GENERAL SITUATION.

In the economic field, the most important event was the signature of the Franco-German Agreement on commerce between the Saar and Germany.

This Agreement extends the German markets for the Saar heavy industries and the finishing, porcelain, glass, chemical and tobacco industries and provides fresh markets for the furnishing and paper industries and the agricultural products of the northern part of the Territory. It replaces various provisional arrangements, and will henceforth regulate the entire trade between the Saar and Germany. It is — as the Commission says in one of its reports—a guarantee for the stability and the development of the economic life of the Territory.

The European coal crisis made it difficult for Saar coal to find a market and the State Mining Administration was obliged to introduce compulsory days of unemployment and to discharge a certain number of workmen. Between October 1st and December 31st, 1927, the total number of workers registered with the public labour exchanges decreased by 1,866. On March 1st, 1928, approximately 3,800 workers were dismissed, 2,000 of whom were inhabitants of the Territory.

In spite of these discharges, the effectives of the Saar mines remained higher than the 1920 figure. Towards the middle of June, the number of unemployed only amounted to 2,805, as compared with 4,125 in April of the same year. To assist the discharged workmen, the Governing Commission decided in March 1928 to employ them on Government or subsidised work.

It began negotiations with the French Government for the revision of the 1924 Regulations concerning the contribution of the mines to the Saar budget. After lengthy discussions, the Governing Commission came to an agreement with the French Government based on the maintenance of the *status quo* as regards the contribution of the mines to the budget of the Territory, and the increase of the quota contributed by the French State to the communal budgets of the Territory. In subscribing to this arrangement, the Governing Commission bore in mind that the depression in the coal market would make it difficult to increase the burden of the mines, and that any new taxes would result in a rise in coal prices in districts where there was no competition, more particularly in the Saar Basin itself. The negotiations will continue with a view to an amicable revision of the 1924 settlement.

The administrative work of the Commission included steps to encourage house building, namely : (a) the setting up of an inter-communal office for cheap housing

accommodation; (b) the building of State-owned houses; (c) the conversion of barracks into dwellings; (d) the building of houses out of the Pension Fund. At the end of 1927, 3,084 new dwellings had thus been provided.

In the matter of social insurance, mention should be made of the revision of the 1923 Agreement between the Saar Governing Commission and the German Government.

Several changes were made in the electoral system : abolition of optional selection from various lists (*panachage*), and institution of the system of "blocked list" (*listes bloquées*), eligibility for membership of the Advisory Council of all persons entitled to vote, who, even if not natives of the Territory, have been continuously resident there for six years.

The elections for the Advisory Council were held on March 25th, 1928. There were no disturbances or incidents of any kind.

The thirty seats were distributed as follows : Social Democratic Party, 5; Communist Party, 5; German Economic Group, 1; Saar-German Popular Party, 3; Christian Socialist Party, 1; German Nationalist Party, 1; Centre Party, 14.

The composition of the previous Advisory Council was as follows : Social Democratic Party, 6; Communist Party, 5; German Economic Group, 1; Saar-German Popular Party, 4; Centre Party, 14.



In its thirty-fourth report (second quarter of 1928), the Commission informed the Council of certain facts connected with the payment of relief by the Saar Trade Union from funds placed at their disposal by the German Government,

which led to an exchange of correspondence with the German Government during the year 1927-1928.

## II. COMPOSITION OF THE COMMISSION.

On March 10th, 1928, the Council appointed to the Saar Governing Commission for one year, from April 1st, 1928, M. Ehrnrooth (Finnish), M. Kossmann (Saar), M. Morize (French), M. Vezensky (Czechoslovak), and Sir Ernest Wilton (British). It appointed Sir Ernest Wilton Chairman for the same period.

The new member of the Commission, M. Ehrnrooth, was formerly Finnish Foreign Minister and Minister of Commerce.

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## CHAPTER XIII

### FREE CITY OF DANZIG

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When the Council met in December 1927, several disputes were pending between the Free City and Poland, in particular the question of the utilisation of the Westerplatte and the access to, and anchorage in, the Port of Danzig for Polish war vessels. Another question, that of the jurisdiction of the Danzig courts, had been referred to the Permanent Court for an advisory opinion.

The Council invited Poland and the Free City to open direct negotiations with a view to the settlement of the first two questions. These negotiations resulted in an agreement which the Council noted in September 1928, congratulating the parties on its conclusion.

Poland and the Free City also accepted the advisory opinion of the Permanent Court on the question of the jurisdiction of the Danzig courts.

At its session in September 1928, the Council appointed Count Manfredi Gravina (Italian), League High Commissioner at Danzig. Count Gravina was at one time accredited as naval attaché to the Scandinavian countries, and has been entrusted with foreign diplomatic missions. He has also been on several occasions a member of the Italian delegation to the Assembly. His appointment is for a period of three years from June 22nd, 1929.

The present High Commissioner, Dr. van Hamel (Netherlands), whose mandate expires on February 21st, 1929, will continue in office until June 21st of that year.

It should also be mentioned that, in April 1928, the term of office of the Chairman of the Danzig Harbour Board, M. de Loës (Switzerland) was extended for a further three years by agreement between the Danzig and Polish Governments.

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## CHAPTER XIV

### SOCIAL AND HUMANITARIAN WORK

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*Traffic in Opium : The Situation ; The Committee's Recommendations ; Entry into Force of the 1925 Convention ; The Central Board ; The Assembly Resolutions ; Enquiry into Opium-Smoking in the Far East. — Traffic in Women : Second Part of the Report of the Special Body of Experts ; Traffic in Women Committee. — Child Welfare. — Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees. Extension to other Groups of Refugees of Measures adopted in Favour of Russians and Armenians ; Settlement and Legal Status of Refugees ; Assembly Resolutions ; Settlement of Refugees in the Republic of Eriwan. — International Relief Union for Populations stricken by Disaster. — Slavery. — Question of Alcoholism.*

As in preceding years, the League's social and humanitarian work bore on the anti-drug campaign, the protection of children and young people, refugee relief, the abolition of slavery, etc.

In September 1928, the Assembly decided that the settlement of Armenian refugees in the Republic of Eriwan should be carried out under the auspices of the League. A new question, that of alcoholism, was included in the League's programme.

#### I. TRAFFIC IN OPIUM.

1. *The Situation.* — The Advisory Committee on Traffic in Opium noted some progress in the application of its recommendations. The measures proposed to impede the despatch of opium from the Persian Gulf to illicit destinations appeared

to have been successful; and satisfactory progress was recorded in the general adoption of the maritime insurance clause, with the object of rendering more difficult the despatch by sea of consignments for illicit traffic.

The Committee considered that the co-operation between the Governments had unquestionably improved. The exchange of information between the national Customs and police authorities is quicker and covers a wider field; the system of control generally is being steadily improved by an increasing number of Governments; the import and export certificate, on which all control depends, is more widely adopted and is gradually being more efficiently applied.

While the effect of these measures in diminishing the volume of the clandestine traffic cannot be open to doubt, this traffic nevertheless remains considerable and the quantity of drugs manufactured is greatly in excess of legitimate requirements. The seizures effected in various countries, especially in the Far East, comprise considerable quantities. A statement covering a period of eighteen months—necessarily incomplete owing to vagueness of data in regard to certain operations—shows the appalling figures of 2,320 kilograms of cocaine, 1,600 kilograms of morphine, and 1,150 kilograms of heroin, and this does not include a whole series of seizures of which specific details are not given and whose total is probably equal to the above figures.

The supervision of the traffic is further complicated by the manufacture of new substances which are not specifically mentioned in the existing conventions. Since morphine has been subject to control, a number of manufacturers have endeavoured to find substitutes which would escape supervision applicable only to morphine and its salts. One of these substitutes is benzoyl-morphine, a morphine ester which is already manufactured in comparatively large quantities and has been shown to possess all the properties of a

habit-forming drug. The morphine contained in benzoyl-morphine can be rapidly recovered by a simple chemical process, and hence quantities of morphine which escape supervision can be put on the market. Benzoyl-morphine is not the only drug of this kind; there is a whole series of other morphine esters with the same properties.

2. *The Committee's Recommendations.* — In these circumstances, the Committee considered what further measures could be recommended. At its request, the Council caused a reminder to be addressed to Governments concerning the necessity for forwarding their annual reports in time for consideration. It further asked them to indicate in these reports the precise manner in which confiscated narcotics had been dealt with and to group their exports and imports of raw opium according to the country of origin (Turkish, Persian, Indian opium, etc.).

The Committee urged that certain measures which it had repeatedly recommended should be adopted and strictly enforced. They concern the withdrawal of export licences from firms involved in illicit traffic; strict control of the export and transit traffic; immediate communication and investigation of seizures and the communication of all particulars necessary for enquiries in regard to persons implicated in smuggling offences, when recognised as essential, the communication of copies of telegrams relating to smugglers' transactions; severe penalties for traffickers, etc.

The Committee forwarded to Governments a recommendation based on a draft submitted by one of its assessors, Colonel Woods (American), aiming at State ownership or control of the forty drug factories in the world, which are located in eight countries. This would make it possible to regulate the internal traffic and to ensure the application of the system of export and import licenses.

On the basis of a memorandum on the institution of an international control of drugs of addiction other than prepared

opium,<sup>4</sup> submitted by the Italian representative, M. Cavazzoni, and the data possessed by the Committee concerning the systems in force in various countries, standard regulations were drawn up in the form of a code for the control of the drug traffic.

M. Cavazzoni's scheme went further than the standard code, aiming as it did at the establishment of a uniform method which would enable all Governments to apply with uniformity and with certainty the principles underlying the Hague and Geneva Conventions. The Committee considered that, compared with the methods at present in force, this scheme constituted such a new departure that its application would almost invariably involve the entire transformation of all laws and regulations and would thus be extremely difficult. It adopted some of the provisions of the scheme, combining them with others so as to constitute a standard code which was approved by the majority of the Committee, contrary to the opinion of M. Cavazzoni. It was then communicated by the Council to those Governments to which, in the opinion of the Committee, it might be of use when drawing up or revising their regulations on the coming into force of the Geneva Convention.

As regards benzoyl-morphine, the Council, at the request of the Committee, recommended Governments to place the manufacture, import and export of this drug, and possibly others, under the same control as morphine. It drew their attention to the Article of the Hague Convention of 1912 by which : (1)

The Contracting Powers shall apply the laws and regulations respecting the manufacture, import, sale or export of morphine, cocaine and their respective salts.

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(1) Since this recommendation has been communicated to Governments the Health Committee has informed the Council that dilaudide, benzoyl-morphine and, in general, morphine esters, are drugs which may have injurious effects similar to those of the substances covered by the Convention and that they should accordingly also be included in its scope.

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(d) To all new derivatives of morphine, of cocaine or of their respective salts, and to every other alkaloid of opium, which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects.

3. *Entry in Force of the 1925 Convention. The Central Board.* — The most important new feature in the anti-drug campaign is the coming into force on September 25th of the Geneva Opium Convention of February 19th, 1925.

This Convention provided for the constitution of a Permanent Central Board to watch the international traffic in substances covered by the Convention (1). On September 26th, the Council laid down as follows the procedure for the appointment of the members of the Board :

"The States Members of the Council, the signatories of the Convention and the United States will each be invited to submit to the Secretary-General the names of not more than two persons. These nominations should reach the Secre-

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(1) Article 19 reads :

"The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

"The members of the Central Board shall be appointed by the Council of the League of Nations.

"The United States of America and Germany shall be invited each to nominate one person to participate in these appointments.

"In making the appointments, consideration shall be given to the importance of including on the Central Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.

"The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments.

"The members shall be appointed for a term of five years, and they will be eligible for re-appointment."

tary-General before the fifty-third session of the Council beginning December 10th. From the list thus submitted, a Sub-Committee of the Council composed of the Rapporteur, representatives of two other Members of the Council and a representative of the United States (1) should such a representative be appointed—will select sixteen names. Once this has been done, the Council, assisted by the representative of the United States, in the event of such a person being appointed will appoint the eight members of the Permanent Central Board."

The question of the Secretariat of the Central Board was raised before the Council by the Italian representative, who proposed that it should form part of the League Secretariat. The Advisory Committee, to which the Council had referred this proposal, adopted by a majority a resolution to the effect that the same was in accordance with the Geneva Convention, by which the Secretary-General is requested to ensure the working of the administrative services of the Central Board. The resolution further specifies that the proposal of the Italian representative does not affect the right of the Central Board to nominate its staff, which will be appointed by the Secretary-General subject to the approval of the Council. In June 1928, the Council noted this resolution, postponing its decision until the creation of the Central Board.

4. *The Assembly Resolutions; Enquiry into Opium-Smoking in the Far East.* — The Assembly was deeply concerned at the magnitude of the illicit traffic and the efforts of the traffickers to elude laws and regulations. It accordingly urged the delegates to impress upon their Governments the necessity for dealing with the situation immediately, drawing their attention to Article 9 of the 1912 Convention and Article 5

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(1) Since the adoption of this resolution, the United States Government has expressed its regret at not being able to take part in the appointment of the Central Board owing to its conviction that the Geneva Convention is, in many respects, not satisfactory.

of the 1925 Convention concerning the limitation of manufacture.

It further drew their attention to the code drawn up by the Committee and asked the latter to follow closely the experiment which is being made by the Spanish Government in the form of a new law instituting a drug monopoly.

It noted a new scheme for the limitation of manufacture submitted by the United States Government and based on similar principles to those embodied in the Spanish law. The Committee will examine this scheme at its twenty-ninth session.

On the proposal of the British Government, the Assembly recommended that a Commission of Enquiry should be sent to the Far East to study the problem of the control of the practice of opium smoking.

The proposal of the British Government has arisen out of the difficulties with which that Government finds itself confronted in the attempt to apply the measures contemplated in the Hague Opium Convention for the gradual and effective suppression of the use of prepared opium. These difficulties existed in 1924-1925 when the Geneva Conference was held, since when they have not diminished, but have actually increased, principally in Hong-Kong and Malaya. It would appear that other Governments experience similar difficulties.

As the Geneva Opium Agreement of February 11th, 1925, provides for a conference of the Powers concerned—the British Empire, China, France, Japan, the Netherlands, Portugal, Siam—in 1929, the British Government considered that this Conference should have before it a general statement of the position with regard to opium-smoking in the Far East. This gave rise to the idea of an enquiry.

A suggestion was made during the discussion in the Fifth Committee of the Ninth Assembly that the enquiry should be extended to China; but this proposal was only assented to by the Chinese representative on the condition that the enquiry should include all countries manufacturing dangerous drugs or producing the raw material for such manufacture. The Fifth Committee felt that it would be impossible to propose such an extension of the enquiry, in the first place on account of the necessity for creating a special committee or several different kinds of committees, secondly in view of the coming into force of the Geneva Opium Convention, which contains much more stringent provisions as regards drug control. It seemed desirable to await the results of these new provisions before pursuing further the question of an extension of the enquiry.

The enquiry, to which the Assembly agreed in principle will be conducted in the Far Eastern territories of Governments agreeing to this measure. It will bear on the measures taken by Governments to give effect to Chapter 2 of the Hague Opium Convention and to the Geneva Opium Agreement of 1925; on the nature and extent of the illicit traffic in the Far East and on the difficulties which it causes in the fulfilment of international obligations.

The Assembly expressed the hope that the American Government would permit the Commission to visit the Philippines and inform itself of the practical results of the system of prohibition in operation there.

The expenses of the enquiry were estimated at 250,000 francs. It was decided that 100,000 francs should be contributed by the League and that the British Government should negotiate with the other Governments concerned as to further arrangements and should prepare a report for submission to the Council in December.

## II. TRAFFIC IN WOMEN.

### *I. Second Part of the Report of the Special Body of Experts.*

— The publication of the second part of the report on the results of the enquiry into the extent of the traffic in women was authorised by the Council in December 1927. The report had previously been amended in the light of observations made by twenty Governments.

The second part of the report contains facts about the traffic in twenty-eight countries : namely, the Argentine, Austria, Belgium, Brazil, Canada, Cuba, Czechoslovakia, Egypt, France, Algeria, Tunis, Germany, Great Britain, Greece, Hungary, Italy, Latvia, Mexico, the Netherlands, Panama, Poland and Danzig, Portugal, Roumania, Spain, Switzerland, Turkey, the United States and Uruguay. Visits were paid to 112 larger cities in these countries, including the capitals and principal ports.

The results of a preliminary survey in six other countries —Norway, Sweden, Denmark, Palestine, Morocco and the British West Indies—did not at the time appear to warrant fuller study.

As regards the scope of the enquiry, the definition of the word “traffic”, adopted for the investigation, covers offences of procuring within national boundaries and transporting for prostitution and other immoral purposes. The interpretation adopted by many countries under the Convention of 1910 has been extended to include all cases in which women or children have been procured and sexually exploited for gain, either at home or abroad.

The sources of information include (*a*) replies from thirty-two Governments to a questionnaire drawn up by the experts and addressed by the Secretary-General to all States Members (*b*), the annual reports of Governments to the Advisory Committee on Traffic in Women and Children and their

memoranda on the relation between licensed houses and the traffic, (c) evidence obtained by a detailed study in each of the countries and (d) statements and reports by voluntary societies and private individuals engaged in welfare work.

The information is classified according to the countries visited. Each report contains chapters on internal conditions in relation to the traffic and on incoming and outgoing traffic, statistical tables, and extracts from prostitution regulations, from the penal code dealing with offences of traffic, procuration and abduction.

The chapter on incoming traffic gives the number, age, length of stay and mode of arrival of the foreign prostitutes in the country. It also contains an account of Government measures to keep out undesirable aliens and of the devices used by prostitutes and traffickers to evade these restrictions.

The chapter on outgoing traffic describes the movement of women and girls out of the country for purposes of prostitution and the measures taken to protect emigrants from exploitation abroad by supervising the issue of passports, licensing employment exchanges, etc.

The report draws attention to the fact that the statements of the underworld are liable to be exaggerated, that full credence must not be attached to them and that great caution must be exercised in accepting always their estimate as to the extent of their operations. It also emphasises that the mention of certain conditions in any country is not intended to imply that those conditions exist only in that country. All nations alike are desirous of stamping out the traffic, but the circumstances of some countries undoubtedly make it more difficult for them than it is for others.

2. *Work of the Committee.* — The Traffic in Women Committee, after noting the report of the Experts, recommended

that the enquiry should be continued and extended, and expressed the hope that the necessary funds would be forthcoming. It reserved for its 1929 session the examination of the nature and scope of the new enquiries. Governments and philanthropic associations were invited meanwhile to forward to the Secretariat any documentation that might add to the information already available and to take the necessary steps to prepare the way for further enquiries.

In addition to the report, three important questions were examined by the Committee, one of them being the material and moral protection of music-hall and similar artists touring abroad. Although this applies to a somewhat limited category, the Committee considered that the persons in question were especially exposed to moral dangers owing to the conditions under which they were often employed. It decided to address to Governments a questionnaire on certain points concerning these conditions and to invite the International Labour Office to approach some of the more important professional artists' organisations on the same subject.

The Committee also dealt with the question of licensed houses and considered the desirability of recommending Governments to abolish this system. It expressed the hope that all those still retaining this system would investigate the question as soon as possible, with due reference to the Report of the Body of Experts and other information collected by the League. To facilitate this investigation, the Secretariat was requested to collect laws and regulations in force in countries where the system had been abolished.

The Committee considered that the operations of *souteneurs* were one of the principal causes of the traffic in women and that it was important that severe measures should be taken against them. It accordingly instructed the Secretariat

to prepare a concise study of the laws and penalties relating to souteneurs.

The third question dealt with concerned the traffic in obscene publications, which was dealt with in 1923 by an international Convention concluded under the League's auspices. The Committee considered that such publications had an undoubted effect upon the extension of the traffic and decided to study this question at its next session. The 1923 Convention provides that the Council shall examine every five years whether it is desirable to convene a fresh conference on the subject. The Committee nevertheless decided to inform the Council that, in its opinion, the time was not yet ripe for such a measure and that it proposed shortly to examine the most suitable methods of meeting the demands of the authors of the Convention. In September 1928, the Assembly endorsed the Committee's recommendation inviting Governments to examine the question of abolishing licensed houses as soon as possible. It further drew their attention to the importance it attached to the employment of women police.

### III. CHILD WELFARE.

The effect of the cinematograph upon children and young people was given careful attention by the Child Welfare Committee, which endorsed its recommendations of 1926 concerning the creation of an office for control or preliminary censorship in each country with a view to preventing demoralising films from being shown; the conclusion of an international agreement between the various national offices with a view to the communication of decisions and penalties applied in the different countries; the promotion of the production and exchange between various countries of educational films; the adoption of measures of hygiene and security in cinematograph buildings. In a special resolution, the

Committee drew the attention of Governments to the advisability, from the point of view of the moral and physical protection of the young, of showing films in diffused light and daylight.

It instructed its Legal Sub-Committee to give final form to a preliminary draft convention for the repatriation of minors who have escaped from the custody of their parents or guardians and on the execution of judgments relating to maintenance payable on behalf of children by persons responsible for their support and living abroad. It also requested its Legal Sub-Committee to prepare a preliminary draft convention on the relief of foreign minors.

The Child Welfare Committee further decided to complete the enquiry on juvenile courts undertaken by the International Prison Commission by enquiries into the different auxiliary services of these courts, in particular social work for the rehabilitation of the delinquent child and the improvement of its surroundings.

The American Social Hygiene Association having contributed 5,000 dollars for the work of the Committee, the latter decided to devote this sum to a study of the problem of the child exposed to moral and social dangers. While recognising the progress made in this field, thanks to official and private measures, the Committee considered that supplementary information should be collected to show how far these measures were adequate. It accordingly recommended that a preliminary enquiry should be made in seven or eight countries. On August 31st, the Council appointed Mlle Chaptal (France) to conduct this enquiry so far as the funds permitted among Governments, official and philanthropic organisations in Germany, Canada, Denmark, the United States, France, Great Britain, Italy and Czechoslovakia.

After a joint examination with the Traffic in Women and Children Committee of the legal age of marriage and consent, the Committee thought it desirable that the legal age of

marriage should be high enough to provide full safeguards as regards the health both of the married persons and of the children of the marriage. It was nevertheless of the opinion that no single age limit could be made applicable to all countries and recommended that Governments should examine in the light of its observations the question of the ages of marriage fixed in their respective laws.

#### IV. RUSSIAN, ARMENIAN, ASSYRIAN, ASSYRO-CHALDEAN AND TURKISH REFUGEES.

The principal features of the refugee work in 1927-1928 were the extension of relief measures to other categories of refugees, progress in the settlement of Russian and Armenian refugees and the definition of their legal status (1).

In September, the Assembly noted the results obtained and took important decisions with a view to the final solution of the problem.

Another decision concerned the settlement of Armenian refugees in the Republic of Erivan under the auspices of the League.

*1. Extension to Other Groups of Refugees of Measures adopted in Favour of Russians and Armenians.* — In June 1928, the Council, on the report of the League Refugee Commissioner, decided to extend to other categories of refugees the relief measures adopted in favour of Russians and Armenians.

The information received showed that there were no fewer than 15,000 Assyrians and Assyro-Chaldeans in Southern Russia who were unable to establish themselves and wished for passports and employment elsewhere. In Iraq

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(1) For Bulgarian and Greek refugees, see Chapter V : "The Economic and Financial Organisation."

and Syria, there were respectively 12,000 and 1,500 Assyrians, mostly agricultural workers, who wished to retain their nationality and to be settled as colonists in Syria and Lebanon and Iraq under the direct protection of the mandatory Powers concerned. A certain number of refugees of Turkish nationality, proscribed by their Government, were living in various countries of Europe.

The Council decided to invite the fifty Governments which had adopted the arrangements made in favour of Armenian and Russian refugees to extend them to the above-mentioned categories. It asked the Inter-Governmental Conference on the Legal Status of Russian and Armenian Refugees, meeting on June 28th, to consider the possibility of making appropriate recommendations concerning the issue of passports to Assyrian and Assyro-Chaldean and Turkish refugees and for the regulation of their legal status.

2. *Settlement and Legal Status of Refugees.* — The settlement of Armenian refugees in Syria is proceeding satisfactorily; 7,660 refugees were moved from the Aleppo, Beyrouth and Alexandretta camps and settled elsewhere. The work remaining is considerable, since at least 33,000 refugees have yet to be settled. The plan of the High Commissioner, Dr. Nansen, includes the establishment in certain countries of re-adaptation centres and agricultural colonies to facilitate the assimilation of refugees, who cannot find employment in their own trade or profession. The execution of this plan would affect 63,000 refugees and depends on the funds at the disposal of the High Commissioner.

Another urgent problem in 1929 will be the evacuation of refugees from Constantinople, which must take place before February 16th, 1929. Thanks to a subsidy of 100,000 dollars from American philanthropic organisations, measures have been taken to evacuate the remaining refugees and to send them to countries where they can obtain employment.

In the legal and administrative field, the progress made this year may be summarised under two heads : the more general application of regulations concerning refugee passports and the creation of new regulations for the unification of the legal status of refugees.

3. *Assembly Resolutions.* — While recognising the progress achieved, the Assembly expressed the view that the final solution of the refugee problem would be the return of the refugees to their countries of origin or naturalisation in their adopted countries. It accordingly invited the Governments concerned to provide them with every facility for securing the nationality of the countries in which they were residing.

Considering, nevertheless, that international action would be necessary for some time, it requested the Council to take immediate steps to appoint an Advisory Commission to be attached to the High Commissioner. This Commission will be entrusted with the preparation of a general report on the possibility of a final solution of the refugee problem and on the means by which this object may be attained.

The Assembly invited the States Members of the League to adopt and to apply on as wide a scale as possible the inter-Governmental arrangements concluded during the year with regard to passports and the legal status of refugees. To facilitate the evacuation of refugees from Constantinople, it invited the Governments to authorise their consuls in that city to issue immigration visas without requiring refugees to prove that they could obtain immediate employment.

4. *Settlement of Refugees in the Republic of Erivan.* — Seventeen Governments replied during the year to the appeal addressed by the Council to all States Members concerning the settlement of Armenian refugees in the Republic of Erivan. Of these the German, Greek, Norwegian and

Roumanian Governments made definite offers to contribute funds to the realisation of the plan. The German Government is prepared to give a guarantee in case of a deficit by granting a long-term credit for the purchase in Germany of tools and machinery for the use of Armenian refugees in Eritrean, up to one million Reichsmarks (£50,000). This offer is subject to the condition that at least four other Governments take part in the work, that the Armenian Organisations contribute £100,000 (1), and that the settlement work shall be carried out under the direction of the League.

The Greek Government will contribute part of the cost of transporting refugees from Greece to the Caucasus, the Norwegian Government has offered £2,000 for the purchase in Norway of merchandise and material. The Roumanian Government is prepared to offer £1,000. The Luxembourg and Netherlands Governments may also make some contribution.

In these circumstances, the Assembly decided that the settlement work should be carried out under the League's auspices. It requested the Council to continue negotiations with the Governments which had offered to contribute to the work in order that the conditions attached to certain offers might be fulfilled, and set aside the sum of 50,000 Swiss francs for administrative purposes.

#### V. INTERNATIONAL RELIEF UNION FOR POPULATIONS STRICKEN BY DISASTER.

The Convention of July 1927, founding this Union will enter into force when at least twelve States, Members or

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(1) The Armenian Organisations in Europe have already paid this sum to Dr. Nansen.

non-members of the League, have deposited their ratifications or accessions and the total of their contributions amounts to six hundred shares (1). This figure is far from being reached, for, although the Convention has been signed by twenty-nine States, it has only been ratified by four, viz., Ecuador, Egypt, Italy and Roumania.'

The Preparatory Committee which drafted the Convention and was requested by the 1927 Assembly to submit to the Council proposals with a view to facilitating the creation of the Union concerned itself during the year with the preparation of the necessary regulations for the operation of the Union.

## VI. SLAVERY.

The British, Indian, Italian and Sudan Governments communicated to the League, in accordance with a resolution adopted by the Assembly in 1926, information on the gradual abolition of slavery and analogous conditions in countries governed by them. In the course of the discussion in the Sixth Committee of the Assembly, the Abyssinian delegation deposited with the Secretariat a list of persons freed from slavery and of persons convicted under the slavery laws of Abyssinia.

Apart from the communication of laws and regulations enacted to cope with slavery and similar conditions, the transmission of information to the League is not obligatory for the signatories of the 1926 Convention. The Assembly nevertheless considered that Governments should spare no effort to furnish on this subject such general information as would enable other States to benefit by their experience.

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(1) See *The League of Nations from Year to Year, 1926-1927*, pages 143 et seq.

Since last year, twelve States—Belgium, Canada, San Domingo, Ecuador, Finland, Italy, Monaco, the Netherlands, Norway, Sweden and Nicaragua—have ratified or acceded to the Convention.

The total number of ratifications or accessions is now twenty-six.

The Assembly expressed the hope that all countries affected by this question would ratify or accede to the Convention in the immediate future.

## VII. QUESTION OF ALCOHOLISM.

In September 1928, the Assembly decided to include certain aspects of the question of alcoholism in the League's programme.

A proposal to this effect from the Finnish, Polish and Swedish delegations was laid before the Assembly of 1926. The complexity of the problem led the Assembly to postpone to the following year consideration of this proposal. In 1927 it was again adjourned, as a detailed proposal then submitted was not accepted in its entirety by all Governments. This year unanimous agreement was reached as a result of negotiations between the delegations most directly concerned in the question—negotiations in which all aspects of the problem and the moral and material interests involved were thoroughly examined.

Following this agreement, the Assembly asked the Council to request the Health Organisation to collect full statistical information on the subject, giving prominence to the deleterious effects of the bad qualities of the alcohols consumed. While considering that it was for Governments to take measures as regards contraband trade, the Assembly thought it might be useful to examine the terms in which conventions

or agreements might be drawn up for the prevention of smuggling in general and that of alcohol in particular. It was decided to entrust this investigation to the Economic Committee.

It was decided that the investigation should not extend to wine, beer or cider.

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## CHAPTER XV

### MISCELLANEOUS QUESTIONS

*The League Budget and the Secretariat Staff. — The Supervisory Commission. — Allocation of Expenses. — The New League Buildings. — Possible Reduction of the Yearly Number of Sessions of the Council.*

#### I. THE LEAGUE BUDGET AND THE SECRETARIAT STAFF.

The League Budget for 1929 amounted to 27,026,280 Swiss francs (£1,071,621) compared with 25,333,817 Swiss francs (£1,004,513) in 1928. The expenditure is divided as follows :

	Sw. fr.
Secretariat and Special Organisations . . .	14,713,085
International Labour Organisation . . .	8,612,640
Permanent Court of International Justice.	2,255,555 (1)

A sum of 1,445,000 Swiss francs (£57,296) was reserved for the League Building Fund.

The examination of the Budget by the Assembly in September 1928 was preceded by an important general debate in the Fourth Assembly Committee, which deals specially with budgetary questions. It bore on the Budget itself and on the Secretariat Staff, the methods for its engagement and its general outlook.

Several delegates having expressed concern at the increase of the budget during the past few years, the Fourth Committee emphasised the necessity of economising. It thought that it would be well to stabilise progressively the budgets

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(1) £583,390; £341,500; and £89,435 respectively.

of the various technical organisations of the League, but expressed doubt as to the possibility of fixing a rigid maximum for the whole budget.

On this occasion, the Secretary-General explained that the League's budget differed from national budgets in two essential points : (1) before being submitted to the Assembly, the Budget was considered in every detail by the Secretariat and then by the Supervisory Commission; (2) as the Assembly met only once a year, the Secretary-General was not, like a national Government, able, if necessary, to apply to Parliament in the course of the financial year for additional credits. The total funds voted at one session of the Assembly had to suffice for the continuation of the League's work until the following session.

The Secretary-General then drew attention to the fact that increase of the Secretariat budget for 1929 as submitted to the Assembly was entirely due to four items, namely fresh work assigned to the Economic and Transit Organisations, the convocation of the Conference on the Codification of International Law and the creation of the Central Opium Board. He also submitted that if the total figure of the Secretariat budget were set against the multiplicity of its tasks and if it were remembered that the League budget was the only budget in the world for the organisation of peace, the sum of 14,500,000 francs did not seem exaggerated, and people might even be surprised at its modest proportions.

*The Secretariat Staff.* — Certain delegations, while declaring their absolute confidence in the Secretary-General, expressed the fear that there was a danger of the principles regarding the international character of the Secretariat Staff being forgotten. These principles are set forth in the report concerning the organisation of the Secretariat adopted by the Council in 1920 on Lord Balfour's proposal. They pointed out that the Secretariat Staff was not yet

representative of all States Members of the League, that nationals of a certain group of Powers filled too large a number of posts, that there was a growing tendency for higher officials to be members of the diplomatic service of their respective countries and that certain States laid permanent claim to high posts.

In reply, the Secretary-General pointed out that he himself had been largely responsible for the drafting of the report adopted on Lord Balfour's proposal, and had always kept closely to the principles enunciated therein. He had followed the rule that Secretariat officials were the servants of all States Members of the League and had taken care that this principle should always be applied. He added that he had invariably refused to ask the Council to approve the appointment of any person whose qualifications did not seem to him to be entirely satisfactory. Though it might be true that the highest posts in the Secretariat were held by nationals of certain Powers, that was due to decisions of the organising committee of the League of Nations Secretariat, which met in Paris in 1919 and in one case to a decision of the Fourth Committee itself.

Following this debate, the Assembly endorsed the principles contained in Lord Balfour's report (May 1920), relying on the Secretary-General and on the Council to uphold in their entirety the principles stated above.

In the words of this report, the Secretary-General, in making appointments to posts on the Secretariat, "had primarily to secure the best available men and women for the particular duties which had to be performed. But in doing so, it was necessary to have regard to the great importance of selecting officials from various nations. Evidently no one nation or group of nations ought to have a monopoly in providing the material for this international institution". Lord Balfour emphasised the word "interna-

tional" because the members of the Secretariat, once appointed are no longer the servants of the country of which they are citizens, but become for the time being servants only of the League of Nations. Their duties are not national, but international.

The Assembly, moreover, considering that the Staff Regulations had been drawn up shortly after the organisation of the Secretariat and that it might be advisable for the League to avail itself of experience acquired since 1922, instructed the competent officials of the autonomous League organisations to examine what steps (in particular, amendments to Staff Regulations), could be taken to ensure in the future, as in the past, the best possible administrative results. The results of this enquiry will be submitted to the Supervisory Commission in order that a report may be communicated to the Assembly at its next ordinary session (1929).

## II. THE SUPERVISORY COMMISSION.

The Assembly decided to change the procedure for the election of the members of the Supervisory Commission. While reiterating its full confidence in those members, it decided that for constitutional reasons they should in future be elected by the Assembly instead of by the Council.

The Assembly requested the Council to submit proposals at its next session as to the best procedure for the election of the members.

## III. ALLOCATION OF EXPENSES.

The Fourth Committee and the Assembly approved the report of the Committee for the Allocation of Expenses, according to which the budget for the financial year 1930

will be adopted as a basis for the revised scale for the allocation of League expenses. The present system of allocation will remain in force until 1932 inclusive.

#### IV. THE NEW LEAGUE BUILDINGS.

In 1927, the Assembly instructed a Committee of Five to study the nine prize designs of the architects' competition and to establish the main lines of the final plan. This Committee met eight times during the year.

In accordance with the desire expressed by the Assembly, the Committee consulted the Swiss Cantonal and Federal authorities. Having chosen as a basis the design prepared by Messrs. Nenot and Flegenheimer, it invited these architects to make certain changes, in collaboration with three other of the nine prize-winning architects, Messrs. Broggi, Lefebvre and Vago.

The utilisation of the gift made last year to the League by Mr. John D. Rockefeller, Jr., for the construction of a library was considered by a committee of diplomatists and statesmen familiar with the work of the League and of librarians or directors of similar institutions. This Committee, which met under the presidency of the Italian representative on the Council, M. Scialoja, drew up proposals which were referred to the architects.

It appeared, however, that the land on which these various buildings were to be erected was inadequate for the purpose.

The Committee then contemplated the possibility of purchasing a neighbouring site. This plan having encountered difficulties, the Committee, after consulting the Federal Council and the Genevese Cantonal authorities, concluded an arrangement with the City of Geneva according to which a portion of the Ariana park of about 250,000 square metres

would be given to the League in exchange for the three lake-side properties it had already purchased.

This solution was submitted, in September 1928, to the Fourth Committee and the Assembly, by which it was finally approved. The Secretary-General was authorised to sign all the necessary legal documents concerning the exchange of rights on the properties in question, as well as to draw up and sign a contract between the architects and the League. The Committee of Five was authorised to give official approval to the revised plans adapted to the new site, as soon as the legal formalities had been completed and the necessary technical advice obtained.

#### V. POSSIBLE REDUCTION OF THE NUMBER OF COUNCIL SESSIONS.

The question of a possible reduction of the number of Council sessions was raised for the first time in March 1927.

The proposal having given rise to anxiety in certain quarters, the representative of the British Empire (who had first raised the question) informed the Council in June 1927 that he had never intended to make a proposal which could in any way impair the influence, authority and usefulness of the Council, but that the purpose of his suggestion had been to enable Ministers for Foreign Affairs, whose presence increased the influence and authority of the Council, to continue to attend its sessions without leaving their posts too often, to the detriment of their work in their own country.

On the instructions of the Council, the Secretary-General submitted a report indicating what changes would, in his opinion, have to be made in the conduct of League business if the yearly number of Council sessions were reduced. He pointed out, for instance, that in cases of emergency it would be expedient, in his opinion, to convene the Minorities Com-

mittees frequently. Further, after drawing attention to the fact that the Council really held two sessions at the time of the Assembly—one immediately preceding the latter, and the other beginning on the day after the election of the new Members of the Council and continuing several days after the end of the Assembly—the Secretary-General suggested that, if the number of sessions were reduced to three, they should be held in January, May and the end of August.

This report was forwarded to Governments with the request that they should examine it before the 1928 Assembly in order that the Council might take a decision after the end of that Assembly.

No discussion on this point took place in the Assembly. As several of the Ministers for Foreign Affairs concerned were absent, the Council decided on September 21st to adjourn this matter to its next session, it being understood that no change in the number of its sessions would in any case be made before the meeting of the 1929 Assembly.

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## CHAPTER XVI.

### ACTION TO BE TAKEN AS THE RESULT OF THE ASSEMBLY RESOLUTIONS OF 1928

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*Arbitration, Security and the Reduction of Armaments. — Legal and Constitutional Questions. — Radio-telegraphic Station. — Intellectual Co-operation. — Control of Opium-Smoking in the Far East. — Refugee Relief. — Alcoholism. — Supervisory Commission. — Cases pending before the Permanent Court of International Justice.*

In addition to the work already being carried out by the various League Organisations (in particular as regards economics, finance, communications and transit and public health), the Assembly drew up at its ninth ordinary session a programme of which the principal items are as follows :

#### I. ARBITRATION, SECURITY AND THE REDUCTION OF ARMAMENTS.

Meeting of the Preparatory Commission at the end of 1928 or, in any case, at the beginning of 1929.

Preparation of a draft Convention on Financial Assistance for States Victims of an Aggression.

Meeting of the Special Commission studying the question of the Supervision of the Private Manufacture of Arms, etc., before the December session of the Council.

#### II. LEGAL AND CONSTITUTIONAL QUESTIONS.

Examination by the Council of the Statute of the Permanent Court with a view to such amendments as may be deemed necessary and desirable.

Examination by the Council, "when circumstances permit", of the question whether the Council or the Assembly may, by a simple majority, seek the advisory opinion of the Permanent Court.

Establishment by a Committee of Jurists of a systematic survey of the subjects which the League proposes to cover by the work of codification of international law.

Study by the same Committee of the question of publishing, as an accompaniment to the *Treaty Series*, various general international conventions, *i.e.*, those open to acceptance by States in general.

Meeting of the First Conference for the Codification of International Law (in 1929, should the Conference for the Reduction of Armaments not meet in that year).

### III. RADIO-TELEGRAPHIC STATION.

Additional technical studies of the legal and financial aspects of the creation of a radio-telegraphic station for the purpose of providing the League with independent communications.

### IV. INTELLECTUAL CO-OPERATION.

The necessary investigations and consultations regarding the advisability of a general agreement having for its object the unification of all laws and measures for the protection of intellectual property, on an international basis and in full conformity with the wish expressed at the Assembly Conference for the revision of the Berne Copyright Conventions.

### V. CONTROL OF OPIUM-SMOKING IN THE FAR EAST.

Constitution by the Council of a Commission of Three to make an enquiry and to present a report on the situation

in the Far-Eastern territories of Governments agreeing to an enquiry into the use of opium prepared for smoking; the enquiry will also bear on the measures taken by the Governments concerned to give effect to the obligations undertaken in Chapter II of the Hague Opium Convention of 1912 and in the Geneva Opium Agreement of February, 1925, the nature and extent of the illicit traffic in opium in the Far East and the difficulties which it causes to the fulfilment of those obligations. The Commission will be requested to suggest what action should be taken by the Governments concerned and by the League of Nations.

#### V1. REFUGEE RELIEF.

Creation of an Advisory Commission to be attached to the League High Commissioner for Refugees. This Commission will submit to the Council a general report on the possibility of reaching a final solution of the refugee question as soon as possible and on the means by which this object might be attained.

Continuation by the Council of negotiations with Governments that have offered to contribute to the work of establishment of Armenian refugees in the Republic of Erivan.

#### VII. ALCOHOLISM.

An investigation by the Health Organisation and the Economic Committee of certain aspects of the question of alcoholism, it being understood that this investigation shall not refer to wine, beer or cider.

#### VIII. SUPERVISORY COMMISSION.

The Council will submit to the next Assembly proposals as to the best procedure for the election of the members of the Supervisory Commission.

## IX. CASES PENDING BEFORE THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Court's present list includes the following cases : the case between Belgium and China, the Franco-Swiss Free Zones, Brazilian loans issued in France and Serbian loans issued in France.

In the *case between Belgium and China*, the Court, by an order dated August 13th, complying with a request of the Belgian Government, granted a further extension of the time-limits fixed for the written procedure. The Belgian Government had submitted its application in accordance with the Chinese Government's wishes and in view of the occurrence of events in China which were not calculated to facilitate negotiations between the two parties in regard to a new treaty (1).

The case of the *Free Zones* of Upper Savoy and the *Pays de Gex* was submitted for judgment by a Special Agreement between the French and Swiss Governments dated Paris, October 30th, 1924. The Court was asked to decide whether, as between Switzerland and France, Article 435, paragraph 2, of the Treaty of Versailles, with its annexes, abrogated or was intended to lead to the abrogation of the provisions of certain treaties regarding the Customs and economic régime of the Free Zones of Upper Savoy and the *Pays de Gex*, having regard to all the facts anterior to the Treaty of Versailles, such as the establishment of the Federal Customs in 1849, which may be considered relevant by the Court.

*Brazilian Loans.* — The case of the payment in gold of Brazilian loans contracted in France was submitted for judgment by a Special Agreement between France and Brazil, signed at Rio de Janeiro on August 27th, 1927. The Court was asked whether the payment or repayment to the French

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(1) See *The League of Nations from year to year 1926-1927*, p. 52.

holders of coupons and redeemed bonds of certain Brazilian Federal Government loans should be effected in gold francs or in paper francs.

*Serbian Loans.* — This case was submitted for judgment by Special Agreement between the Governments of France and the Kingdom of the Serbs, Croats and Slovenes, dated Paris, April 19th, 1928. The Court was asked to decide how the Kingdom of the Serbs, Croats and Slovenes should effect the service of certain Serbian loans.

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